

DA 670
.C86 W5
Copy 1

LIBRARY OF CONGRESS



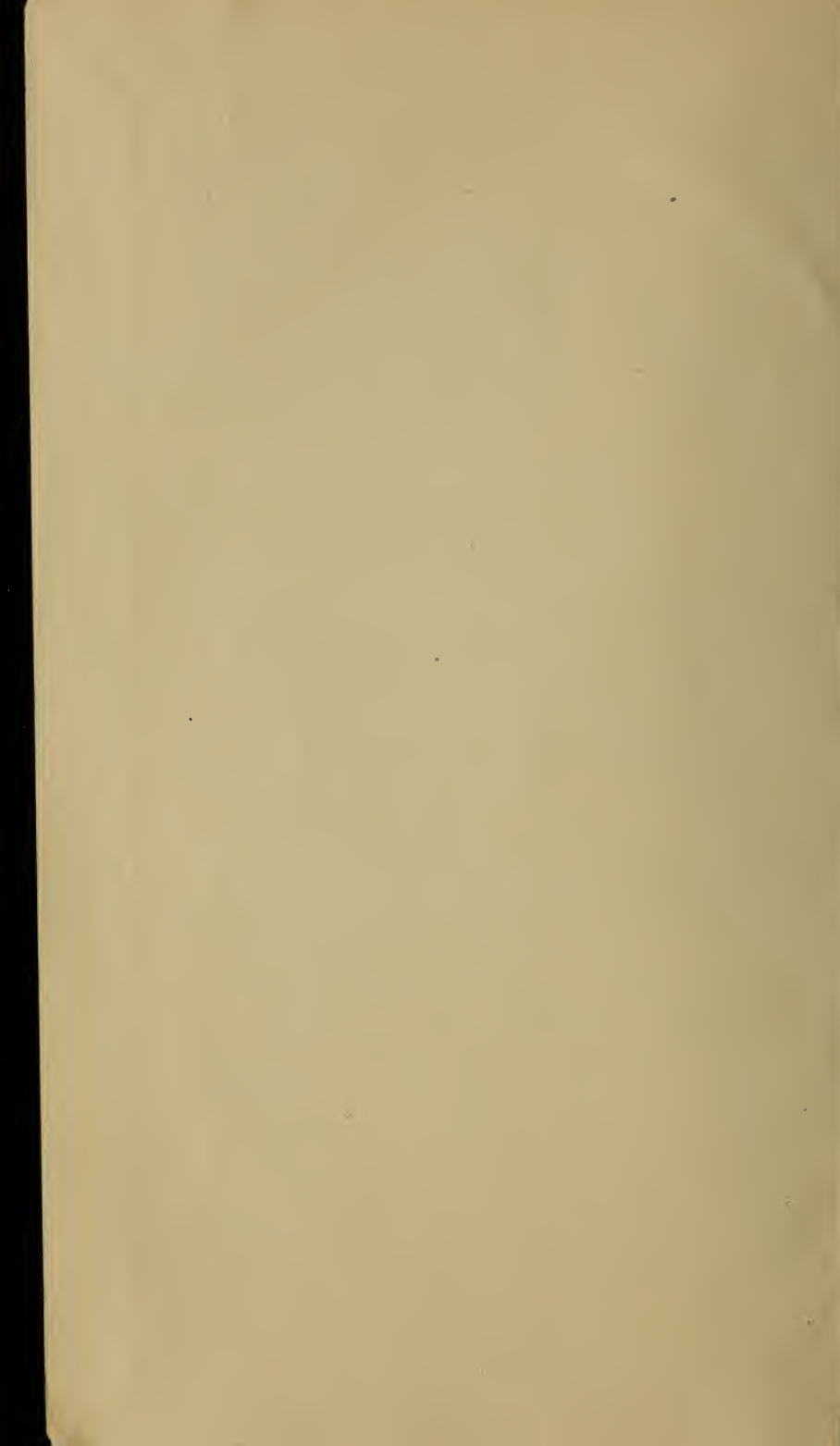
00004380575

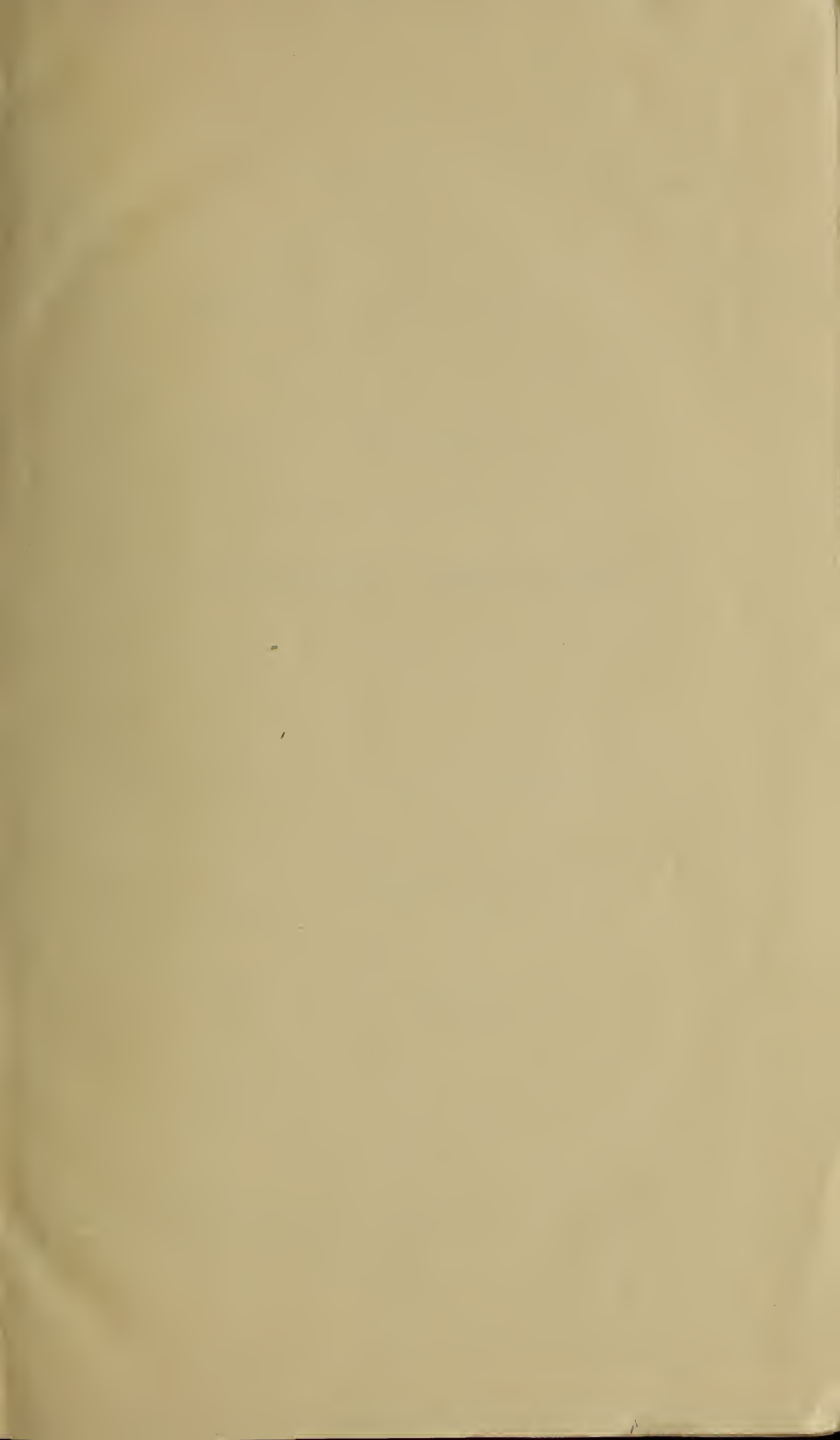


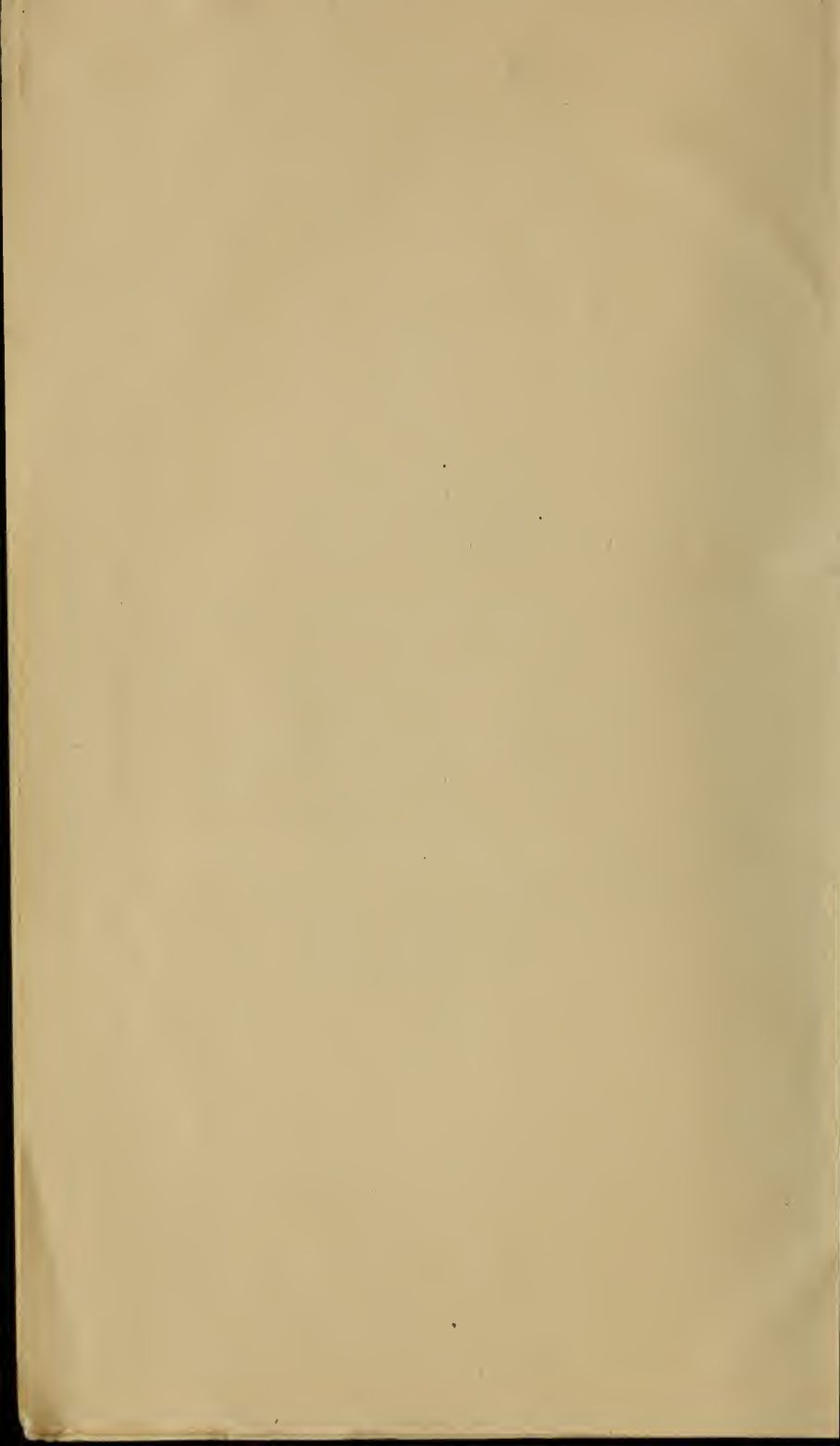
Class DA 670

Book 1086 W3









362

A
HISTORY

OF THE
FOREST OR CHACE,

KNOWN BY THE NAME OF
CRANBORN CHACE,

COLLECTED FROM AUTHENTIC EARLY RECORDS,

AND

CONTINUED TO A LATE PERIOD:

WITH

A BRIEF DESCRIPTION OF ITS PRESENT STATE.

BY WILLIAM WEST.

GILLINGHAM; Printed by E. Neave;

AND SOLD BY

J. HATCHARD, PICCADILLY, AND J. ASPERNE, CORNHILL, LONDON;
ALSO, BY BRODIE AND DOWDING, SALISBURY; J. SHIPP, BLAND-
FORD; AND T. ADAMS, SHAFTESBURY.

1816.

THE UNITED STATES OF AMERICA

1912

DEPARTMENT OF COMMERCE

OFFICE OF THE SECRETARY

WASHINGTON, D. C.

16765

'02

RECEIVED

1912

DEPARTMENT OF COMMERCE

MAILED 1912

RECEIVED

PA 670
C86W5

INTRODUCTION.

“ A Forest, ” in the general acceptation of the word, is defined to be “ a wild uncultivated tract of ground, covered with wood ; ” but in law is described to be, “ a certain territory of woody grounds and fruitful pastures, privileged for wild beasts and fowls of forest, chace, and warren, to rest and abide in, under the protection of the king, for his pleasure ; ” &c.—“ for preservation and continuance whereof, with the vert and venison, there are certain laws, privileges, and offices. ” *

“ A chace generally signifies a pursuit, or the act of hunting ; but more particularly, open ground, stored with such beasts as are hunted ” †

“ A forest, in the hands of a subject, is frequently the same thing as a chace ; but is liable only to the provisions of the common law, and not to the forest laws,” A man may have a chace in another man’s ground, as well as in his own ; his liberty being that of keeping beasts of chace or royal game therein, protected even from the owner of the land,

* Johnson, Manwood.

† Ibid.

“ and with a power of hunting them thereon.” *

The chace which bears the name of Cranborn, partakes most of the nature of a forest.

Its extent is not easily to be defined; as two boundaries are assigned to it. Within what are termed the small or inner bounds, it contains a space about 10 miles in length, and 3 or 4 in breadth, comprising about 43,000 acres, on the north-east side of Dorsetshire. This space does not include the detached “ walk ” or tract of Chettered, a few miles more southward, which appears to have been formerly a separate chace, Within those called the large or outer bounds, the length is from 20 to 25 miles, and the breadth from 15 to 20; containing between 7 and 800,000 acres. The circuit of the chace, by the former, is about 27 miles: it commences on the hill, 4 miles south-east of Shaftesbury, and extends eastward to the edge of Wiltshire, 9 miles south-west of Salisbury.

The circuit of the large bounds is supposed to be nearly 100 miles; extending from Harnham bridge near Salisbury, by the edge of Wilton, westward by the small river Noddre, and thence southward to Shaftesbury, and to the banks of the Stour not far from Sturminster; thence by Blandford, and near Winborn, to Ringwood bridge, Fordingbridge, and Downton, to Harnham bridge.

The

* Johnson, *Manwood*:

The deer of the chace, of the fallow kind, supposed to be in number from 5 to 8,000, occupy the woodlands and open pastures, more or less, within the small bounds, and also some adjoining in Wiltshire, and south-westward in Dorsetshire. As the sole right to these animals is vested in the proprietor of the chace, or in such persons as he appoints, the injury to the cultivated lands may in part be conceived. The deer are in general excluded from them by high and expensive hedges; but as these consist chiefly of dead wood, requiring frequent renewal, and are subject to occasional damage, the depredations on the lands are very considerable. The woodlands or copses are fenced during three years after each cutting, only by high hedges, in general, as ditches are forbidden by the custom of the chace; and at the end of that time are opened to the deer, by the keepers making gaps called "leaps and creeps."

The lands subject to damage from the deer are supposed to amount nearly to 32,000 acres; viz. about 7,000 of woodlands, 10,000 of sheep-downs and commons, and 15,000 of cultivated lands. The soil in general is thin, on a chalky or rubbly bottom, but in some parts it is of greater depth; much of the woodland and commons is capable of tillage, and could be spared for that purpose, were not the conversion forbidden by

the chace-laws. The cultivation of turnips is almost impracticable, unless in very small proportion; which is subject to great damage from the deer. The corn suffers much at times. In the woodlands, though the soil is favorable for ash, and produces a little oak, the quantity of timber is very small. The young saplings are generally broken or damaged by the deer, and the underwood consists chiefly of hazel.

In addition to the injury accruing to the landholders, and to the community, by the damage done to some of the lands, and by the prevention of cultivation in the others,—the morals of the inhabitants suffer exceedingly from the system of the chace. The practice of night hunting, and other clandestine killing of deer, is still continued; notwithstanding the vigilance of the keepers, and the occasional conviction of offenders. Several ^{rowine} contests have sometimes ensued; they were formerly more frequent than at present, and persons have been killed on both sides. Several persons are now suffering under transportation or imprisonment, for their violent behaviour; and others have recently been fined for hunting deer by night.

It seems needless here to relate the particular customs of the chace, as they will appear in some measure, in the following pages. The
chace

chace is divided into five "walks," or parts; each of which has a lodge, with a certain number of keepers, who reside there for the convenience of taking and guarding the deer. The principal of these now is Rushmore, in Wiltshire; Cobley, Bursey-stool, West lodge, and Staplefoot, in Dorsetshire. To these may be added Chettered, which has from an early period been held with the others.

The chace has at present no connection with Cranborn, unless that the latter is included within the larger bounds; and does not appear to have originally belonged to it. In former times, Richard de Clare, and after him his son Gilbert, endeavoured to form a kind of sovereignty, if it may be so termed, by uniting the chace with the manor and hundred of Cranborn; and though that project was defeated, the name of Cranborn-chace remains in use.

To account for the claim of the outer bounds,—to relate and explain the various transactions concerning the chace,—and to cite all the records that have been produced on the subject to a late period,—is the design of the present history. The enquiry which produced it was commenced in the year 1813, with a view only to agricultural purposes, after reading the very short and inaccurate account of the chace in
the

the survey of Dorsetshire; but the writer being indulged with the inspection of a number of authenticated papers, he was induced to form them into regular connection, for the information of the public, on the still contested question of the bounds of the chace. This being a work of much difficulty, and requiring illustration from other sources, the accomplishment has been so long retarded that he has not been able to give the work such a revision as was desirable, whilst several circumstances forbid a farther delay. His principal attention also being directed to the investigation of facts, has perhaps rendered him less observant of the strict rules of composition; though some discordance of style may be imputed to the diversity of the authorities from which he has drawn his information.

The references to records, in the notes, are taken from the manuscripts.

In page II the account of the disafforestation of Blakemore forest is mistated; being taken from Hutchins's History of Dorset. It appears that a part was disafforested in the 7th of Edward I. and the other part remained until the time of Henry VIII.

A HISTORY OF CRANBORN CHACE.

THE oldest account of Cranborne, which appears, is found in monastic records, relating to the time of the later Saxon kings of England.

*It is said to have been famous for its lord Ailward or Haylward de Meau, who founded a small monastery at Cranborn; to which his son Algar, and grandson Brictric, were afterwards great benefactors. Brictric is also described as being lord of the honour or barony of Gloucester.

In those times, it is related, that there were no exclusive appropriations of wild animals, or of the woody tracts which harboured them. Hunting, says a historian, † had always been a favorite diversion with the Britons and Saxons; who were careful of preserving every thing that promoted their sport. The whole country was originally full of game; which as it had afforded a great share of subsistence to

* Hutchins's History of Dorset, from Dugdales Monasticon, ex Chronicon de Tewkesbury.

† Riders History of England, and others.

the first inhabitants, became a source of recreation to those who succeeded them. In their times were no inclosures; but every one enjoyed the liberty of hunting, in common. When the Saxons began to improve the fertile lands by agriculture, and to inclose them for the preservation of the produce, the wild beasts took refuge in the woody tracts, where they found shelter and met with less disturbance. These places being in process of time, well stocked with game, and having never been appropriated to any person, in the distribution of lands among the Saxons, they were deemed to belong to the crown. Though this right was never disputed, the Saxon sovereigns made use of it purely for their pleasure, never laying any restraint on the nobility and gentry to debar them of the pleasure of hunting.

* Another modern writer says, that at first the beasts of chace had the whole island for their range &c. but when the Saxons had established themselves in the heptarchy, these animals were reserved by each sovereign for his own diversion, and that of his nobles. Hunting and war, in those uncivilised ages were the only employments of the great: their active, but uncultivated minds being susceptible of no pleasures

asures, but those of a violent kind ; such as gave exercise to their bodies, and prevented the pain of thinking. But as the Saxon kings only appropriated to that use, such lands as were unoccupied, so no individuals received any injury. Another writer says, that in the time of the Saxon kings, all noblemen without distinction had a right to enjoy the pleasure of hunting.

To account for the prohibition of this diversion to the nobles and others, and for the establishment of forests by the princes of the Norman race, under which, the chace since known by the name of Cranborn, doubtless originated, it is requisite to refer to the period of English History subsequent to the conquest.

The accession of William, duke of Normandy, to the English throne, by the defeat and death of Harold II. does not appear to have made any material alteration respecting the liberty of hunting. The families of the English and Norman sovereigns had been allied by marriage ; and the predecessor of Harold, Edward III. surnamed the Confessor, was the son of a princess of Normandy, and had been bred up in that country. William had paid a visit to that king, by whom he was courteously received

ceived. The reign of Harold had been of short duration; he was indeed a favorite with the English, and the troops of William were chiefly Normans; yet, as the contest between the two, was that of rival candidates for the throne, the latter met with no opposition after the death of Harold, but received the crown by general consent. Thus, as William was well known to the English, and his title established by succession and election, rather than by conquest, there appeared no occasion for setting aside the established laws, or for introducing the customs of another nation.

The moderation of the king towards the English, in the beginning of his reign, gave them room to hope for happiness, under his government; but, after some time, his cautious proceedings having procured him an universal submission, he went into Normandy, for the purpose, as is supposed, of displaying his new grandeur. On his arrival, the rejoicings were carried to a great height. An ambassador from the king of France came to congratulate William on his new dignity; on which occasion he affected to appear with all possible magnificence. In short, he passed the winter in Normandy, where he seemed to have forgotten his new subjects, amidst the acclamations of the others.

In

In the mean time his absence was injurious to England. His brother, Odo bishop of Bayeux, and William Fitz Osborn, to whom he had entrusted the government of the kingdom, abused their authority, not only by suffering the English to be harrassed by the Norman nobles and others, but also themselves oppressing the people by continual acts of tyranny, for the sake of filling their own coffers: complaints being of no avail, and the English being unaccustomed to such treatment, disturbances soon arose. The Kentishmen led the way, having some foreign assistance; but the attempt did not succeed, and they were severely treated by the regents. In another part, the insurrection was fatal to the Normans; as its leader, an English Lord, Edric surnamed the Forester, barbarously treated all of that nation that fell into his hands. On the kings return, his rigid and mistrustful temper, led him to severe measures. The debts he had contracted by his expedition to England, and by his late display of magnificence, and the obligation he lay under of rewarding the officers and others, who had engaged in his service, all rendered large supplies necessary, and the turbulent resistance of the people, afforded him the more plausible pretences to plunder them, by revival of the odious

odious tax called Danegelt. That tax had first been levied, to replace the money paid to the Danish invaders, to induce them to quit the kingdom; and the payment of it was particularly odious to the English, by reminding them of their weakness, and of the calamities which they had suffered under a foreign power.

This proceeding met with some opposition. Aldred, Archbishop of York, sent a person to remonstrate with William, on the injustice and impolicy of the renewal of the law; but that honest prelate dying soon after, the king was freed from his interposition, and Danegelt was levied with rigour. Murmurs and complaints ensued on one side, and, on the other, the king's disposition was soured by resistance; he began to consider the English as rebels, and, in return, they looked upon him as a conqueror and a tyrant. William wanting more money for the payment of debts, had recourse to another arbitrary method of raising it; this was by confiscating the estates of those who had sided with his opponent, Harold. Repeated insurrections ensued at the instigation of some of the English nobles, particularly in the northern part of the kingdom; in quelling which, the king committed great havock not only on the
lands

lands of the insurgents, but throughout all that country; destroying not only houses and villages, but also considerable towns, and scarcely sparing either man or beast. These insurrections having failed of procuring relief from the oppressions of William, and only weakened the hands of the people, he took farther measures to break down the power of the English nobility, by depriving them of their offices, and of their possessions, which he converted to his own use, or distributed among his Norman attendants and other foreigners.

It is not intended to continue here the relation of the violent proceedings of the king, any farther than to account for the submission of the English, to the formation of the forests, and to the severe laws which soon followed. May it suffice to say, that the lands being divided among Williams followers, to be held by the feudal system of military tenure, and of other services, the ancient laws being removed, and those of the intruders established, the Norman language being introduced into the courts of justice, and the redress of grievances, rendered by that means, more impracticable to the English, the latter could no longer resist, but were compelled to submit to every new act of oppression.

The

The only check which the mind of the king appears to have received, was from the remonstrances of Lanfranc a Norman, whom he had made Archbishop of Canterbury. This virtuous ecclesiastic had been noticed by William, in Normandy, on account of his merit, and afterwards promoted for the same reason. His advice, of treating the English more gently, had some effect for a time, but did not produce a general reformation. The clergy, in several instances, by their intreaties had softened the kings vengeance; but that body did not then possess the influence which enabled them, in later reigns, to interpose their good offices between the kings and the nobility; and, in some cases, to add their weight to that of the latter, to procure a general redress of grievances.

These events may appear to have little connection with the subject of the history of the chace; but, unless they are taken into consideration, it may appear impossible to account for the establishment of the unnatural and oppressive system of the forest laws, from which the privileges of the chace originated.

William as has been seen, had reduced the people to entire submission under his rod. He
ordered

ordered a survey of the landed and moveable property in the kingdom to be taken, and the result to be entered, in due order, in the book called Domesday book. By means of this, he had an opportunity of levying taxes, with some proportion to ability of payment; and as the new proprietors depended on him, for the retention of their possessions, they were the more disposed to comply with the incumbrance. Having thus settled his revenues, as well as quieted all the insurrections, the king had little to hinder him, from giving way to an ardent passion for the diversion of hunting,

It does not appear at what time this disposition had commenced, but, we read that William broke through the liberty which the Saxon nobility had enjoyed, of pursuing the deer, and other animals, in their woody retreats, and that he claimed an absolute right and property in those lands: to them he gave the name of forests, and reserved to himself all privilege of hunting and sporting therein.

The manner of making a forest, or in other words, of seizing a tract of land for the kings use in hunting, is said to have been this. The king issued his commission, directed to certain persons, for viewing, perambulating, and bounding

bounding, the place which he chose to afforest; which being returned into chancery, proclamation was made, that none should hunt any wild beasts, within that precinct, without licence; after which, he appointed ordinances, laws, and officers, for the preservation of vert or feed, and of venison or deer, &c. and thus the place became, a forest by matter of record. The properties of a forest are said to be these: it cannot properly be in the hands of any person but the king; it has its courts, its officers, as justices of the forests, warden or keepers, verdurers, foresters, assisters, regards, bailiffs, and beadles. The chief distinction of a forest is said to be swainmote, or court composed of freeholders within its limits, to determine matters concerning it.

Whether William made use of this mode, or practised a more summary method, by sending persons to take possession of such lands as he or they thought fit, is of but little consequence to know. It is evident from accounts of the firm establishment of his power, that he ultimately met with little check, to his measures of any kind. It is said that there are in England 68 forests, 13 chaces, and more than 700 parks. Doubtless many of the latter were originally forests. It appears probable that there was a chain

chain or succession of small forests through Hampshire and Dorsetshire; and in that case, the formation of a forest now called the chace, may be easily accounted for.

In various records, we find mention of a forest of Winborn, a forest of Holt, a forest of Cranborn, a forest of Chetterden, a king's chace, and a chace of Geoffrey de Mandeville. Some of these are said to have been different denominations of the same forest, but the accounts imply, that at one time there were several distinct forests, on the north-eastern side of Dorsetshire; viz. the forest of Holt, the forest of Chetterden, and the chace, distinguished at one time as the property of Geoffrey de Mandeville; which latter, in situation, appears to accord with the description of the present chace, according to what is termed the smaller bounds.

Farther westward, were the forests of Gillingham, Blakemore, and Poorstock. That of Blakemore, seems to have been afforested in a later reign, as it was for the greater part disafforested in the time of Henry II. and the other part soon after, apparently under the provisions of the statute de foresta.

This was a considerable forest, extending westward, from the vicinity of Shaftesbury.

The

The forest of Poorstock, towards the western end of the county, was of older date, though some additions were afterwards made to it by king John. That of Gillingham, remained a forest until the reign of Charles I. and a part of it continued longer as a park.

The formation of a forest on the north-eastern side of Dorsetshire, may easily be conceived. It was a tract of woody land, commencing nearly at one of the extremities of a mountainous country, though in itself rather a plain, or declining gradually to the eastward, nearly of a regular oblong form, bounded on one side by natural limits, and on the other by the adjoining county of Wilts, being the resort of deer &c. such a tract might readily offer itself to the view of the king, or his deputies; and, if the commission was directed only to one county, the afforestation might meet with no difficulty.

It is not so easy to account for an afforestation of a very large space of country, comprising a considerable quantity of fertile land, extending nearly to Sarum, Wilton, Ringwood, Winborn, Shaftesbury and Sturminster, and including Blandford, Fordingbridge, Downton, and other towns; or, at least, such of them as
were

were then in existence. As no accounts appear of the formation of a forest of either extent, the transactions of later times must be referred to, for evidence on this still contested question.

The history of Cranborn, at that period, affords no light on the subject of the chase. By the chronicle of the monastery of Tewkesbury, it appears that Brictric, beforementioned as the possessor of the honour of Gloucester, and of lands in Cranborn, was seized by the order of the king, after the return of the latter from his ostentatious journey to Normandy, which has been related. The reason assigned for this procedure, is, that Brictric, when formerly on an embassy, from Edward the confessor to the Norman court, had refused to marry Maud or Matilda, who, was afterwards queen to William the conqueror; and that she retained such a sense of the affront, that, on her return with the king, she prevailed on the latter to seize Brictric, at his castle of Hanly in Worcestershire, and to confiscate his possessions. Historians differ respecting the place where Brictric was confined. One relates that he was carried from Hanly, in Worcestershire, to Winchester; where he died without issue, and was buried: another says that he was confined in the castle of Hanley, near Salisbury, where he died.

died. The similarity of the names of Hanly, Hanlege or Hanleigh, probably led to this confusion concerning the place. As Hanley in Dorsetshire, appears in Domesday book, to have belonged to the Abbey of Shaftesbury, without any mention of former possessors, it has been doubted whether Brictric had any concern there: but as his name is equally wanting in the account of Cranborn, concerning his possession of which, there is no doubt, the inference is not conclusive, and he may have also held Hanley in Dorsetshire.

The account of the disposal of Brictric's possessions do not appear very clear. In one, it is said that Alan, earl of Britany, who had come over with William the conqueror, received from him the honour of Gloucester, and very large possessions in several counties: in all 440 manors. In another, it is stated that queen Maud had that honour, and the manor of Cranborn. Hence it is probable that the property of Brictric was divided, and that Alan had only a part. According to Domesday book, the queen had held lands in several places, but they then belonged to the king. Among these were Little-frome, Cranborn, Ashmore, Medesham, Ham, (Preston or Chamberlayne,) Witchampton, and Winborn. In that book, so far
as

as relates to Dorsetshire, the name of Brictric occurs only in Ashmore, (manor and lands,) Winborn, Tarente, Loder, Devenish, and Alfrington. As the survey recorded in Domesday book, is stated to have been taken in 1078, and the Queen did not die until 1084, it appears that the lands which she had once held, had been some time in possession of the king.

In the former part of the reign of William, he had been much engaged, in suppressing the numerous insurrections which the misconduct of his deputies, his own arbitrary disposition, and the impatience of his English subjects, had occasioned; but after these had been quelled, and his revenues settled, he found means to gratify another passion. He had been prevented from going into Normandy, by an epidemic fever in that country, which raged some time; in which interval he indulged himself in hunting. The Norman princes were descended from an adventurer, or chieftain, who, having been repulsed in an attempt upon England, had landed in the north-western part of France, and established himself with his followers, in that country. These having come from a more northern part of Europe, *i. e.* from Germany or Denmark, were thence called Northmen, or Normans, and the country, Normandy. As
war

war and rapine was their trade, they had in general, sufficient employment of that kind, and William had his share. The transition from thence, to the pursuit of deer and other beasts, was not so great, but that it gratified the violence and activity of the king's disposition; and it soon shewed him the means of farther oppressing his subjects, and of gratifying his avarice. It is said, that he was fond of the diversion to a degree of fury, and took such measures to indulge it, as are at this time astonishing. He is said to have depopulated the country in Hampshire, to an extent of thirty miles, turning out the inhabitants, destroying houses, gardens, and even churches, to render it more fit for the maintenance of deer and other wild beasts. This account may, however, be too extravagant. A forest does not imply full possession of the land, but a privilege of keeping those animals upon it; for which it might be sufficient to keep the woods and pastures in an open state, and to prevent the inhabitants from protecting the cultivated grounds, otherwise than by hedges. In this, they were doubtless subject to great disquiet and oppression, from the king's servants; and the effect would be, in some measure, the depopulation of the country. It is said that this tract had been called Ytene, but it acquired the name of the new forest, which it still retains.

The violent proceedings of the king occasioned great murmurs, The English had been reduced to so low a state, that it was useless for them to complain; but the Normans could not tacitly bear the privation of the diversion of hunting. Their murmurs, however, had but little effect upon William, who strengthened his exclusive claim by a set of forest laws, which, at the same time preserved the deer, and afforded him frequent opportunities of farther extortion, by levying heavy penalties on the transgressors. The new nobility, who held their lands from the king, and were detested by the English, were obliged, for their own security, to comply with his measures; and it was not until many years afterwards, when the two nations were moulded into one people, and more favorable opportunities offered for resistance, that the rage of the sovereigns for afforestation was effectually opposed.

In all this time, nothing appears concerning any forest in connection with Cranborn; and, in fact, history is silent respecting any separate establishment of thatkind in its neighbourhood. After the formation of the New-forest, lesser tracts would be held in lower estimation, and the one under our notice may have been granted to a subject: but this was probably done in the succeeding reign.

An

An old history mentions William as the author of the cruel penalty for killing a deer. It states that " he formed many forests of wild beasts, " and guarded them by laws, that whoever kill- " ed a stag or hind, should be deprived of sight. " As he forbade the killing of deer, so also of " wild boars. He likewise ordered, concerning " the hares, that they should be free from moles- " tation. The chief men complained much of " this, and the poor bore it hardly; but he was " so rigid that he cared not for the hatred of " them all; as it was necessary for them to be " entirely obedient to the king's will, if they " would live, or enjoy their lands, their goods, " and his friendship. Alas! that any mortal " should swell with such ostentation, as to ex- " alt himself and despise all others." *

William had overcome all obstacles to his arbitrary power. As the Normans took care how they opposed his will, for fear of losing their estates, so the English were in no condition to throw off the yoke. There was scarcely a lord, of that nation, whom he had not imprisoned or banished. If there were any persons who still preserved their liberty, they were watched so narrowly, that the least opposition, or ground of suspicion, was sufficient to cause their ruin. This tyranny of the king, however, was not suf-
fered

* *Chronicum Saxonicum*;

ferred to continue long. He hastily engaged in a war with the king of France, and, in revenge for a jest on his corpulency, he ravaged a part of the territory of that king, in a terrible manner, destroying and burning all before him, until he came to Mantes. He ordered the corn around it to be burnt, and the vines to be destroyed. He then laid siege to that town, took it, and set it on fire; the heat of which, brought upon him a fever. To this was added, an injury received from the pummel of his saddle, either, as some relate, by leaping over a ditch, or, according to others, by the plunging of his horse, from treading on hot ashes, as the king was riding in triumph through the ruins. He did not long survive this accident; but, as it is related, when he found himself near his end, he began seriously to look back on the past actions of his life, and to view them in a new light. He ordered large sums to be given to the poor and to the churches, particularly to those which he had burnt at Mantes. He also ordered that all his prisoners should be set at liberty, both in England and Normandy.

It has appeared necessary to place this king's arbitrary measures in open view, to shew the disposition of his mind, under which he formed the forests.

The

The death of William I. occurred in 1087. As, on coming to England, he had claimed the crown by virtue of a will of Edward the Confessor, so he chose to leave it in the same manner to his son William, surnamed Rufus, to the prejudice of the birth right of Robert, the eldest son. On this account, a conspiracy being formed against the new king, he was advised to conciliate the affections of the English, and amuse them by promises of lessening their taxes, and of allowing them free liberty of hunting; but, after the suppression of the insurrection, William, instead of performing his promises to his subjects, oppressed them still more cruelly. He increased the rigour of the forest laws, inflicting the punishment of death for killing a deer, and introduced the custom of "lawing," or maiming the dogs kept by the gentry, whereby the latter were more effectually deprived of their favorite diversion.

The remonstrances of Archbishop Lanfranc, concerning this breach of the king's promises, had little effect. William was so offended, that he asked him with great warmth, whether he thought it possible for a king to keep all his promises? The freedom which the good prelate had used, occasioned the loss of the king's favour; but he did not long survive his disgrace,
dying

dying in 1088, lamented by both nations, as one of the worthiest prelates that had ever filled the see of Canterbury. After his death, the king, being freed from the restraint which he had suffered from the presence of so venerable a man, gave a loose to his inclinations, and exceeded his father in extortion and rigour. He had a similar passion for the diversion of hunting, and retained the forests in their exclusive state.

The honour of Gloucester, with the manor or lands of Cranborn, and other appendages, had descended to William the II. who gave it to Robert Fitz-Hamon, lord of Astramaville, or Corbeil, in Normandy, nephew to William I. This nobleman had accompanied his uncle on the expedition to England, and after the death of the latter, was in great favor with his successor. It is related that he conquered the county of Glamorgan, in Wales, from Jestyn, its lord, who had refused to fulfil certain conditions, after Fitz-Hamon had defended him from Rees, king of Wales. About this time the king granted the abovementioned honour and manors to Fitz-Hamon, and, with them, the forest afterwards known by the name of Cranborn; which, by this transfer to a subject, acquired the denomination of a chace. The monastery of Cranborn had been much favored by its Sax-
on

on patrons; but this Fitz-Hamon transferred his affections to a monastery at Tewkesbury, in Gloucestershire, leaving only a few monks at Cranborn, which he made a cell to the Abbey of Tewkesbury.

“ The government of William Rufus,” it is related, “ had become the exertion of the most
 “ despotic power, manifested in every shape of
 “ violence and extortion. Justice was banished
 “ from the tribunals, which were filled with vernal and corrupt judges, who pursued no other
 “ end than that of enriching themselves with
 “ the spoils of the people. All persons in office
 “ seemed to have been appointed for plundering, not for protecting the subject; all honours and rewards were engrossed by panders,
 “ parasites, and informers.” *

Among these grievances, the rigorous execution of the forest laws was not the least prominent. By these laws, it is said, “ the receivers
 “ of deer &c. which had been clandestinely killed, if they knew them to be the king’s property, were declared to be principal trespassers. Likewise if a trespass was committed
 “ in a forest, and the trespasser died, it might
 “ be punished in the person of his heir; though
 “ this was contrary to common law.” It is stated also, that “ the Norman kings punished the
 the

“ the killers of deer, in any of the forests, with
 “ great severity, and in various manners; such
 “ as by hanging, loss of limbs, putting out of
 “ eyes, and other mutilation; ” * and in the en-
 forcement of those punishments, William Rufus
 is said to have gone the farthest of any of that
 family.

War and hunting were alternately the occu-
 pations of these kings. William Rufus was
 hunting in the New-forest when he received an
 account of some disasters to his dominions in
 France. He hastened thither, and obtained
 some advantages; but, on the attack of a town,
 he received a severe blow with a stone. In re-
 venge, after the example of his father, he rava-
 ged the country, before he returned to England.
 We again hear of him in the New-forest; where
 he was killed by an arrow from Walter Tyrel,
 as is generally known. Thus died William
 the II. amidst the scene of his own oppressions,
 and of his father's. Two others of the royal
 family are said to have perished in the same
 forest, each named Richard; the one being son
 of William the I. and the other his nephew.

The passion for hunting prevailed to excess
 among the princes of this family. At the time
 of the accident to William, his brother Henry
 was pursuing that diversion in another part of
 the

the forest. The latter hastened to Winchester, to secure the late king's treasures, and to ascend the throne, in opposition to the right of his elder brother, Robert, who was in Normandy. On this occasion, Henry endeavoured to procure the affections of his new subjects, by a confirmation of their privileges, and redress of their grievances; for which purpose he published a charter, on the day of his coronation and pursued other means of acquiring popularity. This favorable beginning, like that of his late brother, soon gave way to a different conduct. Under pretence of some grievances in Normandy, he heavily taxed his subjects in England, for the maintenance of a war with his brother Robert. The latter was defeated and committed to prison; where he remained until his death. After these purposes were attained, Henry took little care of observing his own charter, whenever his own interest was concerned; and, by his extortions, greatly impoverished the people. These calamities were aggravated by the severity of his justiciaries, who are said to have "exercised every degree of tyranny, inhumanity, and cruelty. One of them, Ralph Bassett, made himself infamous by the execution, at one time, of forty-four persons, some of whom were supposed to be innocent." *

In

In the year 1107, Robert Fitz-Hamon, before-mentioned, was killed at Falaise, in Normandy. The preference given by him to Tewkesbury, for the situation of an abbey, and other circumstances, imply that he did not pay much attention to Cranborn. On this account, it appears more probable, that the chace had been granted to him, before the removal of the monks to Tewkesbury, during the reign of William II. Robert Fitz-Hamon left four daughters; one of whom was afterwards married to Henry's illegitimate son Robert, who was created earl of Gloucester, and put in possession of the estates of his wife's late father.

We have seen that several of the family of William I. met with untimely deaths. Henry had to mourn the loss of his only son by another means. This young prince perished at sea, with many of the nobility, through some imprudence and mismanagement.

The English people had reason to dread from him a greater degree of suffering than they had before experienced. He had frequently threatened them with abject slavery, and his common expression was, that if he came to the crown, he would make them draw the plow like oxen.

Henry felt so much grief for the disaster, that
he

he is said to have never afterwards smiled. Still, however, his passion for hunting continued. We read that he had one day been engaged in that favorite diversion; after which, being fatigued and hungry, he surfeited himself with eating lampreys, and was seised with a fever which soon put an end to his life.

On the death of Henry I. Stephen, son of the Earl of Blois, by Adela daughter of William I. ascended the throne. The superior claim of Matilda, or Maude, daughter of the late king, rendered it prudent for Stephen to gain the affections of the nobility, and he relaxed the severity of the forest laws in considerable degree. It is related, that “the many trials
“about hunting in the royal forests and in
“other places, was a grievance that had pre-
“vailed ever since the conquest. No person’s
“property was secure against the informations
“of the king’s officers. If a gentleman was
“found hunting, even in his own woods,—if
“he cut them down, or grubbed them for his
“own private use, he was immediately repre-
“sented as a waster, and was obliged to com-
“promise the matter by paying a large fine
“to the crown. These unjust and trouble-
“some prosecutions were fully provided for by
“an article of Stephen’s coronation oath, im-
porting

“ porting that he would not disturb the clergy
 “ or laity in the enjoyment of their own woods,
 “ as his predecessors had done, nor sue any
 “ persons for taking the diversion of hunting
 “ in the royal forests, but that he would restore
 “ the forests taken in by the late king, and re-
 “ tain none but such as had been possessed
 “ by William I. and II. *

The actions of this prince agreed with his promises, He was much engaged in war with Matilda; but the haughty behaviour of the latter, during some temporary advantage, by refusing to mitigate the severity of the Norman laws, so disgusted the people, that the party of Stephen gained strength, and by agreement he retained the crown during his life. He employed the short interval of quiet in redressing the grievances of his subjects, and reforming the laws of the nation. He died in the year 1154, and was succeeded by Henry II. son of Matilda.

In the war of succession abovementioned, Robert, Earl of Gloucester, had taken a great share, being the principal supporter of the claim of his half sister Matilda. He died in 1147, when his son William succeeded to the Earldom and the other possessions of Robert. In the

* Rider.

the accounts of those times, no mention is made of the chase; and little is said respecting Cranborn, excepting a charter of Henry I. in 1100, and another of Roger, bishop of Sarum, in 1109, both confirming the gifts of Robert Fitz-Hamon and others to the abbey of Tewkesbury.

The reign of Stephen had given the English a respite, of nearly twenty years, from the grievous oppression of the forest-laws. Henry II. who succeeded to the throne, being son to the Earl of Anjou, by Matilda, and bred in that country, had not acquired the propensity to the diversion of hunting, which distinguished his ancestors in England; and the prudence of his uncle, Robert Earl of Gloucester, with the misfortunes of the family, had taught him more moderation and discretion. Being surrounded by able counsellors, he consented that the laws of Edward the Confessor should be restored, and he confirmed the charter of Henry I. Throughout his reign little appears respecting the forests; the English had long submitted to the occupancy of former afforestations, and Henry does not seem to have given much occasion of complaint by new seisures. He reformed some of the abuses, and appointed commissioners to ascertain the

the rights of the crown, &c. In a later part of this king's reign, his conduct was more severe. In the commotions of his own reign, and of his predecessors, the forest-laws had been much violated, and he resolved to restore them to their full vigour. Accordingly, whilst he was on a journey northward, at Woodstock, four knights, with their accomplices, were tried and executed, for killing a forester; and at Nottingham, he punished all transgressors upon the royal forests. In other respects, he provided better for the liberty of the subjects: he appointed an eminent lawyer, Canulph (or Ralph) de Glanville to be chief justiciary; and the courts of justice began to proceed by forms favorable to the people, without being inconvenient to the government. *

During the reign of Henry II. William Earl of Gloucester, son of Robert beforementioned, had died; viz. in 1173. He had married Hawise, or Avis, the daughter of the Earl of Leicester, and left three daughters; Mabel, married to the Earl of Evreux, Amicia, to Richard de Clare, Earl of Hertford, and Isabel. In the last year of Henry, his youngest son John married Isabel, and with her had the honour of Gloucester with its appendages, among which was the one now known by the name of Cranborn chace.

Among

Among the troubles of Henry II. were those of the rebellions of his sons. Henry, the eldest, had died in a state of repentance for his unnatural conduct: Geoffrey had been killed in a tournament, at Paris. Richard had been engaged with his brothers; and, after their decease, was in league with the king of France; and lastly John, the youngest, was discovered to have had a share in the plots to dethrone his father. This was too much for Henry to bear: he cursed the day of his birth, and uttered imprecations against his sons; soon after which, he fell sick, and died at Chinon in France, in the year 1189.

Richard, on his accession to the throne, being in France, gave an order to his mother, Eleanor, to publish an act of grace in favor of transgressors of the forest-laws, and of other criminals. This was a popular measure; but the people, who had suffered much under those laws, took advantage of the indulgence, and renewed their trespasses. This led the king to severer measures; and his want of money, for an expedition to the Holy-land, induced him, among other extortions, to expose to sale the office of high-sheriffs, keepers of forests, and other posts and dignities. He received sums of money from the barons of Bedfordshire, and from the knights of Surrey, for disforesting

foresting some part of those counties, which had been converted into forest by Henry I. Ralph de Glanville, the justiciary, finding Richard deaf to all his remonstrances, had resigned his office, and his successor gave a thousand marks for the employment. In consequence of these extortions, and of other rapacity, after Richard's return, it is said that "all England was reduced to extreme poverty. yet the extortions did not stop here; for Hugh de Nevile, chief justice, with Hugh Wal, and Ermine de Nevile, justices of the forests, brought inexpressible trouble upon the subjects, by the severe execution of the forest laws." *

The first transaction which we find related, concerning the chace, is of a tour or perambulation made by John Earl of Morton, youngest son to Henry II. and afterwards king of England. As no record of this act appears, except in later times, and no date is assigned, it may have taken place, either soon after his marriage with Isabella of Gloucester, or, more probably, during the reign of Richard I. at a time when the severity of the forest laws had been renewed. It is not mentioned whether the purport of this tour was to perambulate an old boundary, or to add an additional territory to

to a former chace, and no legal procedure is described, as accompanying it. No traces appear of any use being made by prince John of this tour; on the contrary, we find, that in his reign an enquiry was instituted, respecting several distinct forests and chaces, within the line of his perambulation, as afterwards described; which was nearly according to what are now termed the outer bounds of the chace. It may be presumed, therefore, that this was an attempt of a new afforestation, inconclusive in itself, though made a precedent for claims in succeeding times. A tradition, indeed, exists, that John resided at Tollard, and held his court there, when king; but this is unsupported by records, and, if true, would rather imply that the chace was not connected with Cranborn, and that it was held only by the smaller bounds, to which Tollard was adjoining.

On the death of Richard I. by an arrow shot from a cross bow, at the siege of the castle of Chaluz in France, in 1199, his brother John succeeded to the crown. The latter had shewn his violence of disposition, in various ways: he had been in rebellion, or, at least, in a plot, against his father, and he had taken advantage of his brothers absence and misfortunes, by endeavouring to gain possession of his dominions; though

though in this scheme he had been disappointed by the sudden return of Richard. His assumption of the throne was in prejudice to the right of his nephew, Arthur, son to his late elder brother, Godfrey; though, indeed, this was in some measure sanctioned by the will of Richard I.

In the second year of John's reign, he divorced his wife Isabella (or, as she is called by some, Hawisa or Avisia,) on pretence of kindred; though that objection had been set aside, on his marriage with her. No account appears of the Chace, at this time; and, if we may judge from later circumstances, his pretensions to the larger tract had been laid aside.

The actions of this king open too wide a field for detail. His injudicious conduct in France, the murder of his nephew Arthur, the loss of all his dominions in Normandy and Brittany, his impositions on his subjects in England, his differences with the clergy, and his lewdness, brought upon him the contempt of all classes. He had not fulfilled his engagements, by restoring to the nobles and people their privileges, as he had promised; he had exacted large sums from the northern counties, on pretence of damage done to his forests; and far from relieving his subjects, he was disposed to exceed

exceed all his predecessors, in violence and extortion. The Normans and English, now moulded into one nation, were no longer the passive people they had been under the subjection of the two Williams: they had tasted some of the sweets of liberty under Stephen, and had benefited by the regulations of the courts of justice, under Henry II. one language had been formed, by the engrafting of Norman words and terminations, on the basis of the Saxon, and national distinctions were not retained. All were desirous of English liberty, and of reviving the laws of Edward the confessor, the memory of which had been faintly preserved. Accordingly, the barons began to combine, in opposition to the kings attempts at absolute power, and, at length, after many vicissitudes, the king was compelled to sign the Magna Charta, or Great Charter of Liberties, and the Charter de Foresta, or Charta for regulating the Forests.

The provisions of Magna Charta need not to be described in this place. The purpose of Charta de Foresta was, to disforest all lands which had been taken in previous to the reign of Henry I. except such as belonged to the demesnes of the crown; to prevent the extortions of foresters, to regulate the forest courts,
to

to reverse former outlawries, to abolish the penalty of loss of life or limb for taking deer, and to order a fine, or imprisonment, in its stead; with other regulations, tending to remove or mitigate the severity of the forest laws.

These provisions were the more necessary, as the frequency of afforestations tended to convert the whole kingdom into one vast forest; and of John, it is said, that “he had ordered the mounds in the forests to be levelled, the hedges to be cut down, and the ditches to be filled up; that his deer might have liberty to range at large, consume the corn, and destroy the produce of the neighbouring lands.” *

To carry these regulations into effect, it was provided, that such forests as had been made in later times, should be viewed by honest and lawful men: but the king, though he had issued out letters patent for the observance of the charters, soon employed every art to set them aside. He raised an army of foreigners, appealed to the Pope, and renewed the war, with various success; at times destroying the property of the barons in a barbarous manner. On an expedition northward, his foreign soldiers made terrible havock; “he caused all the seats, farms, villages and towns, to be plundered

* Rider.

“dered and burned, till, at last, the whole
 “country became one dreary, dismal, horrid
 “waste.” Several large towns were reduced
 to ashes; “John, himself, beginning the in-
 “glorious work, and like a true ruffian, setting
 “fire, with his own hands, to every house in
 “which he had lodged.” *

The deplorable state of the kingdom, the low condition of the barons, the offer of the crown to Lewis, son of the king of France, and his acceptance, need not be related at length. John, however, after laying waste the barons' lands in Norfolk, advanced towards Lincolnshire, threatening utter destruction to his opponents; but attempting to cross the Washes, or wide shallow rivers, whilst the tide was rising, the greater part of his troops, with all his treasure, baggage, and regalia, were swept away by the water: himself narrowly escaping. Soon after this, he was seized by a violent fever, which combining with vexation, soon put an end to his life, in 1216; or, according to some writers, he was poisoned by a monk, who had heard his threats of devastation to the whole kingdom.

Before this, viz. in the 16th of John, Isabella, who had been divorced from him, was married to Geoffrey de Mandeville; † and a writ
 appears

* Rider;

† Madox, History of the Exchequer.

appears, of the 17th of John, directed to Hugh de Nevil, to make a perambulation, to know what was the king's chace, there, (in Dorset,) and what was the chace of Geoffrey de Mandeville; to wit, the chace which William, Earl of Gloucester, formerly held: also to make a like perambulation of the forest of Cranborn and Chetterden, between the king's chace and the chace which the earl of Gloucester had held; according to which perambulations, they should cause the said Geoffrey to have, without delay, the chace which the aforesaid earl had held.

Dated at Running Mead, 23rd of June.
17th of John.

The above implies that there were several small chaces or forests on the north-eastern side of Dorsetshire, and is silent respecting the larger bounds of the perambulation of John, when earl of Morton.

On the death of king John, his eldest son, then very young, was proclaimed, by the name of Henry III. His party soon increased, and Lewis, after some time, quitted the Island. The earl of Pembroke, being regent, pursued a wise conduct; assuring the people that the charters should be faithfully executed, he ordered writs to be issued, enjoining the sheriffs

to

to proclaim them in the county courts; &c. He also sent justices itinerant, or justices in eyre, into the counties, to cause the charters to be strictly observed. *

Among other proceedings, it appears that in the 4th year of Henry III. a commission was issued to the sheriffs of Dorset, Somerset and Wilts, reciting that the king had empowered the bishops of Sarum and Bath, the earl of Salisbury or his deputy, and William Briwere, to enquire what forests had been made by the late king, and to disafforest them; to enquire what woods had been placed by him within the regard, which before were out of the regard, and to place all such forests again without the regard; to enquire what woods were put by him within defence, and to put all such woods out of defence; &c. also to enquire what forests were made by king Henry II. in the time of Alan de Nevil, or in the time of others, his foresters, at the will of the king, or of Alan; &c. that inquisition being thence made, and shewn to Hubert de Burg, the king's justiciary, and to the king's council, if the inquisition should please them, the woods of that kind should be immediately disafforested by the said justiciary and council.

It

It is said that neither any return to this commission, nor order of disafforestation has been found; but it appears by some records of the following reign, that such a perambulation or enquiry was made. *

The earl of Pembroke had died, in 1219, much regretted. His successor, in the regency, the bishop of Winchester, had at first followed his plan of reformation, as appears by the above commission; but the court soon adopted new maxims. Hubert de Burg had married the daughter of the king of Scotland, and became intoxicated with rank and power. In punishing some riotous proceedings in London, in 1222, he ordered the ringleader to be hanged, without trial, and the noses and ears of others to be cut off, in the same summary manner; directly contrary to the tenor of the great charter, which directed the trial by jury.

These arbitrary proceedings occasioned an address to the king, from a great council or parliament, consisting of the prelates and nobility, requesting him to confirm the rights and privileges of the people, according to his former oath. This request was far from being relished at the court; and in his privy council, William Briwere remarked that it was unreasonable

* Presentments of juries, 3rd, of Edward I. which see.

sonable to desire the execution of charters which had been extorted by violence; but the archbishop of Canterbury severely reprimanded Briwere, adding that if he really loved the king, he would not endeavour to involve the kingdom in fresh troubles. On this, Henry approving of the archbishop's conduct, declared his resolution that the charters should be observed; and orders were soon sent to the sheriffs, to see them executed.

In the year 1225, the king had need of great sums to carry on a war with France. The parliament demanding the observance of the charters, on their grant of a subsidy, Henry acceded to their request; and a new act was passed to that purport, 9th of H. III. which then became the date of the charters, instead of that of 15th of king John.

It would be tedious to relate the frequent confirmations of the charters, by Henry III. and the little care taken for their execution. When much in want of money, which frequently happened, through his profuseness and improvidence, the grant of a subsidy from the parliament was generally accompanied by a promise that the charters should be observed. Though this was sometimes followed by orders to the sheriffs, and by commissions of enquiry issued

issued, the effect was of short continuance; and at length, by the advice of Hubert de Burgh, among other arbitrary measures, the king, in 1227, suddenly annulled the two charters of his father; on pretence that an act of his minority was not binding.

Isabella, wife of Geoffrey de Mandeville, had died in the early part of this reign, and Almaric de Evreux, her nephew, son of her sister Mabel, had not long survived; on which the earldom of Gloucester, with its appendages, had come into the hands of Gilbert de Clare, son of Richard earl of Hertford, and of Amicia, sister to Isabella and Mabel. Gilbert had been engaged on the side of the barons, and had been taken prisoner, at Lincoln, in the early part of this reign, by the earl of Pembroke; whose daughter he afterwards married.

No transaction appears of this Gilbert, earl of Gloucester, respecting the chace. He united with the earl of Pembroke, and other noblemen, who took up arms to compel the king to restore the charters; but by the contrivance of Hubert de Burgh, the confederacy was dissolved. Gilbert did not live long after this; but dying in 1229, he was succeeded in his possession, by his son, Richard de Clare, then a minor.

Among

H

Among the odious actions of Hubert de Burgh, he had been suspected of poisoning William Longspey, earl of Salisbury, at a banquet: he had persuaded the king to extort money from corporations and monasteries, on frivolous pretences. He now seized the castle of Tunbridge, belonging to the earl of Gloucester; but was strongly opposed, in this instance, by the archbishop of Canterbury.

In 1232, the power of Hubert was at an end. He was disgraced, and it was with some difficulty that his life was preserved from the anger of the king, and the rage of the people.

The long reign of Henry III. was one continued scene of caprice and inconstancy. He by turns quarrelled with the pope, or countenanced the exactions of the legates, on the English clergy; to the great impoverishment of the latter. In 1240, he sent justices in eyre, through the counties, under pretence of redressing grievances, and easing the people; but, in fact, to raise money by fines and confiscations. He had frequently required money, and, had sometimes obtained it from the parliament, by promises of fulfilling the charters: but, in 1244, he found the nobility and clergy strongly united against his demands. At length, however, a subsidy was granted; and the king not only engaged

gaged himself by oath, but consented that the bishops should excommunicate him, in case he did not execute the charters; this concession, however, was no more binding than the preceding, and the charters remained unexecuted.

Richard de Clare, having arrived at manhood, doubtless found the state of public affairs favorable for the revival of the claim on the larger bounds of the chace, according to the former perambulation of prince John. This earl is the first, under whom the chace is mentioned, as being connected with Cranborn; and it seems most probable that he was the first proprietor of the manor of Cranborn, who resided at that place, after the removal of the monastery to Tewkesbury, by Robert Fitzhamon, as before related.

No record of this date appears of the earl's proceedings: but in one of the succeeding reign, * it is said, that an account of an inquisition, at New Sarum, 29th of Henry III. stating the larger bounds, was found at another inquisition made by Geoffrey de Lanleigh and Richard de Worthing, justices; but at what time or place is not related. This affair will appear more fully hereafter.

The first transactions that we find recorded after this time, respecting the chace, are dated
34th

* 8th of Edward, I.

34th of Henry III. (1249) as appear on the roll of pleas held at Westminster, in Trinity term, before the justices of the bench, Roger de Thurkelby and his companions ; * to the following purport.

Wilts, set.

The abbess of Wilton, (by her attorney William Coke,) complained against Richard, earl of Gloucester, why he suffered her not to take reasonable estover, in her own woods of Fernditch and Chettell, within the percursus of the earl's chace of Cranborn ; and why he permitted not her men to take housebote, and haybote, without the view of the keepers of the chace, as they had been wont, and ought to take, and had been accustomed to take in the time of the earl's predecessors ? But the earl came not ; and the sheriff declared that the earl had no land in his county, where he could take him, but it was testified that the earl had land in the county of Dorset, where he could ; and therefore the sheriff was commanded that he should take the earl, so that he should appear, within eight days of St. Michael, &c.

The next presentation was for Dorsetshire, entitled " pleas at Westminster," before the same justices, in Michaelmas term, in the same year.

Dorset

* Record in the Charter house.

Dorset, sct.

The abbess of Wilton complains, &c. (as above.) But the earl came not; and it was adjudged that he should appear within fifteen days of St. Hilary, &c.

At the same time and place, the abbess of Tarent by her attorney, complained of the earl, why he exacted fealty of the keepers of her woods at Chettell, within the percursus of his chace of Cranborn; and why he permitted her not to take reasonable estover, &c. (as above.) But the earl came not; and it was adjudged that he should appear, &c.

At the same time and place, the abbess of Shaftesbury by her attorney, complained &c. (in the same manner as the abbess of Tarent.)

The situation of Chettell abovementioned, is on the edge of Wiltshire, adjoining the eastern side of Dorsetshire. Fernditch is near it, in Wiltshire. Estover is a general term of wood for furniture, &c. housebote, of wood for repairs or fuel, and haybote, for hedges or other fences.

The word "percursus," used in the above record, is not of common occurrence. It literally signifies "a course through, or hasty running over;" and seems to imply a liberty, either allowed or assumed, of riding through those woods and lands, in pursuit of the deer, or for
other

other transitory purposes. From the silence of records respecting other proceedings of the earl, and from the mention of a later period for the commencement of his incursions, it may be inferred that he relinquished his claim to the fealty of the abbesses woodmen, and to the controul of their supply of wood, in Chettell and Fernditch.

An agreement was made in the following year, 35th of Henry III. between Richard, earl of Gloucester, and the abbess of Shaftesbury, that the woodwards of her woods of Hanley, Iwerne, and Fontmell (all in the county of Dorset,) should, without evasion, or cavil, (*sine calumpnia*,) at once, or once for all, (*semel*) on their first appointment, (*in prima creacione*,) come to the earls court at Cranborn, and there swear that they would behave faithfully concerning the venison of the earl within the chace, and would give notice of offenders therein; but that after the said oath, they should not be compelled to come to the earl's court of Cranborn, for any attachment to give evidence against any person, or to do any thing else. The record contains other provisions, for mutual accommodations; and farther declares that the abbess and her successors should be free from every kind of suit at his
hundreds

hundreds of Pimperne, Martin, and Roughborough, &c.

The woods abovementioned, or the greater part of them, being within the smaller or undisputed bounds of the chace, can have little or no concern with the claim of the larger bounds: being also a mere agreement between two individuals, and, consequently, only binding on themselves and their successors.

Richard de Clare was one of the barons, who, in the 31st of Henry III. by a letter to the pope, had exclaimed against the exactions of the latter, though countenanced by the king;* but, in the next year, “he (the earl) first brought the Augustine friars into this realm, and joined with the aliens against the natives, much to his dishonour.”† The aliens were chiefly Italian ecclesiastics, whom the pope, by the connivance of the king, appointed to benefices in England; but there were also the king’s three half-brothers, with their followers, who came over from France, about that time, and were immediately promoted to various offices, to the detriment of the English. We find that in the 34th of Henry III. the earl of Gloucester travelled with Richard, earl of Cornwall, the king’s brother, and visited the pope at Lyons; and that at the installation of the archbishop of Canterbury, he had

* Peerage of England;

† Peerage of England.

had the offices of steward and butler.* With such connections, doubtless, he had no fear of obstruction from the king or the court, concerning his claim of the extended bounds of the chace, to which the name of Cranborn was now annexed.

The disposition of the king, himself at this time, respecting the forests, was very unfavorable to his subjects in the country. It is related that "Henry III. not daring to demand
" money of the parliament, put in practice
" other methods to raise it. One of his most
" effectual ways, was, to commission a judge
" entirely devoted to him, (Geoffrey de Lang-
" ley,) to go and make inquisition in the
" counties, concerning trespasses committed
" in the royal forests. This commission was
" in itself very odious, since it included all
" the cases excepted in king John's charter;
" but the manner, in which the inquisitor
" executed it, rendered it still more intolerable;
" for he punished the least fault, by exces-
" sive fine, or by confiscation of estate. By
" these violent proceedings he got together
" prodigious sums, which served to fill the
" king's coffers; but, at the same time, they
" drew on the king the hatred and curses of
" the people. †

About

* Peerage of England.

† Rapin.

About the 36th or 37th of Henry III. the earl of Gloucester appears to have renewed his claim in Wiltshire, as is stated in a subsequent record ;* but the opportunity was not favorable for its continuance at that time. In the 38th of Henry III. (1253) the king being greatly in want of money, for the preservation of his dominions in France, the laity and clergy agreed to supply him, but complained of the grievances under which they laboured ; on which, Henry made some acknowledgement of the justice of the complaint, and promised redress. To confirm this, he convened the barons and prelates, in Westminster-hall, where, each having a lighted taper in his hand, the archbishop of Canterbury denounced a dreadful imprecation, against those that should oppose the observance of the charters, or in any way violate the laws and constitution of the kingdom. After this, the charters were read aloud, and were confirmed by the king, with his hand on his breast ; which being done, each threw his taper on the ground, and wished that those who violated the charters might thus smoke in futurity.

It was probably in consequence of this engagement, that in the next year 1254, the 39th of Henry III. an inquisition was taken before Roger

* 39 Henry III.

Roger de Thurkelby and Robert de Shotenden, justices in eyre, at Wilton; wherein the jury presented, *inter alia*, concerning the hundred of Cadworth, that Richard de Clare, earl of Gloucester, held the manor of Cranborn, in the county of Dorset, where he had his free chace, and from the said chace in Dorset had his course, (*habet cursum suum*,) into the county of Wilts, where he had no tenement, but only a pereursus, (*nisi tantum percursum*,) to the banks of the Noddre, and to the bridge of Ayleswade on Avon, whence, they say, that by occasion of the said foreign or outward percursus, (*percursus forinseci*,) he made all the country a forest; and his bailiffs took toll, *chiminagium*, by seisure, (*namio*,) of men in the county of Wilts, in the hundred of Cadworth; and took their cattle, and drove them to Cranborn, in the county of Dorset; against the liberties of their lord the king; and took from some men twenty marks or more money, at their own will. And this he had done already during two years and a half, past. *

The above presentment, may have checked the earl, but not decided his claims; though no records appear, concerning the chace, for a term of eighteen years. Richard de Clare

* Record in the Chapter house

soon had other employment: we read that he was sent by the king into Scotland in the same year, 1254; and into Germany in 1256; that he was almost poisoned in 1257, and afterwards summoned to attend the king, at Chester, to oppose the Welsh; that he was sent by the barons into France; and that he joined the earl of Leicester and other barons, in opposition to the king's measures, in 1258. *

The conduct of Henry III. had again driven his subjects to desperation: the barons assembled their dependants, and with the earl of Leicester at their head, compelled the king to sign a set of articles, in favor of the liberties of the people. Richard earl of Gloucester was one of the principals in this association; but dying in 1261, his son Gilbert succeeded to the earldom and its appendages.

This earl, Gilbert de Clare, seconded the earl of Leicester, in the opposition to the king; and they, with the other barons, gained a complete victory, at the battle of Lewes; taking the king and his brother, prisoners, and getting the king's son, Edward, into their hands. The earl of Gloucester afterwards joining with Edward, withdrew from the earl of Leicester, and the latter was killed in battle, in 1265; but the conduct

* Peerage of England.

duct of prince Edward was more moderate than that of his father had been, and peace was at length restored. King Henry died in 1272, the 57th year of his reign, and was succeeded by his son Edward. I.

The conduct of Henry III. had been so exceedingly fickle, that it is difficult to ascertain the state of the forests at this period. He is said to have sworn no less than twelve times to the observance of the two charters ; but generally with little attention to the performance of such engagements, and sometimes with a speedy retraction of them. Nevertheless, the renewed charters took their date from the 9th year of his reign, with some alteration from those of king John ; particularly the disafforestations were to be those that had been made after the coronation of Henry II. instead of Henry I. as stated in the charters of John.

The following record appears, on a roll of claims of divers liberties in the county of Dorset, 1st. of Edward I.

Gilbert de Clare claimed to have, in Cranborn, free hundred, and free chace, pertaining to the said manor, according to a perambulation formerly made, and warren in his demesnes within the said hundred, (with
sundry

sundry privileges of the manor, as market, fair, &c. and of the hundred, as punishment of offenders assise of bread and ale (*cerevicie*,) &c. On which, the jury found that he had not free hundred and free chace within the bounds under written; (*per metas subscriptas*;) viz. because that when earl Richard, father to the then earl, Gilbert, came first to the country, (*ad terram*,) these were the bounds; to wit, from Chettlesden, or Chettlehead, to Grimesditch, thence to Dean, thence to Gussage St. Andrew, thence to Horndean, thence to the head of Stubhampton, and by the midway of Stubhampton to Rothersdean, thence to the highway which leads from Blandford to Shaftesbury, and by that way to Tenner's ditch, thence to Westwood, from the head of Westwood to the Ridgeway which extends itself towards Sarum, to the borders of Wiltshire, which extend themselves between Ashmore and Ashgrove, to Standen, thence to Martersgore, thence to Stichingore, or Stichingoak, by the road (*Chymynium*) to Sandpit, thence to the head of Longcroft, thence to Lavermer, thence to Longdean, and thence by the borders which divide Dorset and Wilts, to Chettleshead. Afterwards, in the time of the said Richard,
were

were stewards of the same, Peter de Rissans, and Adam de Bokesgate, who made attachments without the aforesaid bounds: to wit, from Kingsettle to Sleybourn gate, thence to the church of St. Rombald (or Cann by Shaftesbury,) thence to the Golden oak, thence to the head of Sturkell, (in Cann,) and by that water to the bank of the Stour, by that bank (by Hayford bridge, and Blandford bridge,) to Crawford bridge, thence to Aldwyn's bridge, thence by the water of Winterborne, to Walford, thence to the Stonebridge, thence to the Longhay, thence to Milesditch and to King's, thence by the road (*chiminium*) which leads to Lestford, thence by the water of Cranborn to the Hoarwithy, thence to Aldlake, thence to Horeston, thence to the borders of Hampshire. And these bounds he used, but they knew not by what warrant.

They said also that he had warren in his demesne lands of Cranborn, and chace and warren in all his demesne lands * * * * *, likewise they said that he had free hundred, and market, &c. time out of mind, &c. They said that he held a court of vert and venison, and of all his attachments, at a certain time of the year; and he did not permit any
to

to course or run (*currere*) with dogs, at hares, foxes, cats, &c. *

The above record being for Dorset, describes the earl's claim according to the larger boundary in that county only: and the non-appearance of any such proceedings for Wilts, agrees with the supposition that the claim on that side had been in some measure suspended 39th of Henry III. as before mentioned. The new king being in Palestine at the time of his father's decease, Walter de Merton, who was made chancellor, took some effectual methods to establish tranquillity in the kingdom; among which was the more impartial administration of justice as in the case abovementioned. The king after his return to England, in 1274, pursued a similar course, and appointed commissioners to go through the counties, to take information respecting the lands of the crown; also, to enquire into the conduct of sheriffs and other officers, who had abused their authority, and oppressed their fellow subjects. The following presentments to the justices in eyre, III. of Edward I. † appear to have formed a part of these proceedings.

Verdict for the hundred of Dunworth, given at Wilton, before William de Brayboef, and

* Record in the Chapter house.

† Record in the Chapter house.

and William Gyrdberd, at an inquisition, in the county of Wilts, by John de Nipred and others, (twelve jurors,) who thus said, &c.

De his qui habent libertates, per reges Angliæ concessas, et eis aliter usi sunt. i. e. Concerning those who had liberties granted them by the kings of England, and used them otherwise. They said, that as the earl of Gloucester had a certain liberty granted by kings, of a chace in the county of Dorchester, the earl, and his bailiffs, of Cranborn, used the liberty otherwise than they ought; by attaching the persons, (*corpora*) and the cattle, or beasts of draught, &c. (*averia*,) of men dwelling in the king's hundred of Dunworth, in the county of Wilts, and there holding them, until the men paid a fine, at the will of the earl, or of his bailiffs.

Under the title *Qui de novo appropriaverunt sibi liberas chaceas vel warrenas*; Concerning those who have newly appropriated to themselves free chaces, or warrens, &c. they say, that whereas the earl of Gloucester had free chaces in the manor of Cranborn, in the county of Dorset, the same earl exceeded the metes and bounds of his liberty, in appropriating, by his power, to the said chace, the lands and woods, as well of knights as of free tenants,

tenants, in the county of Wilts, in making attachments of vert and of venison, to the banks of the Noddre. And he held the fence month, and plea of vert, contrary to the assise of the forest, inasmuch as he had not verdurers nor regarders.

On an inquisition, by twelve jurors, for the hundred of Downton, Wilts, at New Sarum, before the same justices, 3rd of Edward I. &c. under the title "*Qui de novo*, &c." they said,

That the earl of Gloucester, (Gilbert) had afforested, by force and power, all the lands, woods, and pastures, which were from the town of Shaston (Shaftesbury) to the bridge of Ayleswade, by the banks of the water of Noddre. And whatever was in Wilts, from the borders of the county of Dorset, to the water of Noddre, he claimed to be his forest; by putting there his seven foresters, to make attachment of vert and venison; and compelled the people in the county of Wilts to come to Cranborn, in the county of Dorset, contrary to the law and custom of the realm, and the assise of the forest, whereas he had not verdurers and regarders. They took, also, chiminage, every where, within the aforesaid metes and bounds; doing all these things contrary to the perambulation of the forests,

made

made by Richard, bishop of Sarum, the bishop of Bath, William Longspee, earl of Sarum, and William Briwere, in the 4th year of Henry III. And that the said earl did these things contrary to the dignity of the king's crown, not permitting any one to take of his woods, within the aforesaid places, without the view or delivery of his foresters; whereas he had not verdurers, and regards, and so, by right, ought not to have foresters. They also said that the earl had not any fee, nor free tenement, within the aforesaid bounds, by pretence of which he might claim forest. Neither was there any one, within the said bounds, who held or claimed to hold of the said earl; but some held by barony, of the king, in capite, as freely as the said earl held his manor of Cranborn, &c.

They farther complained of similar proceedings, of the foresters, within the liberty of the bishop of Winchester, at Dinton; as going beyond their bounds, taking fees or gifts (*munera*) and oppressing the people much, making attachments of cattle, in the same manner as the bailiffs of the New forest, taking chiminage, and toll, (*tolnetum*) &c. And that thus
 “ he (the earl;) exceeded the bounds and
 “ metes of the said chace, by ten miles
 “ per

“ (*per decem leucas*) to the damage of the
 “ whole country &c. ”

Presentments to the same purport, were made, at the same time and place, by the juries of the hundreds of Damerham, Candon, and Cadworth, with some specific instances of seizures and fines; and in Damerham, of putting a man to death, without any cause, after taking him to Cranborn.

For the Hundred of Chalk, the jury said that Richard, earl of Gloucester, father of Gilbert, encroached (*purprestavit*) and afforested to himself, the wood of Chettel and Fenditch, and all the country towards the north, from Shaston to Ayleswade, along the Nodre, placing seven foresters, &c. amercing such as inclosed their own woods, laying hands unjustly, at their will, on men dwelling in Wilts, under pretence of taking venison, obliging them to go to Cranborn, and there amercing them, without proof. Also that the foresters took sheaves, (*colligunt garbas*) in the harvest, within the said bounds, in Wilts; with other grievances.

At Wilton, before the same justices, the jury presented that the earl's bailiffs made attachments of vert &c. to Bulbridge; entering

ing that borough, on account of free chace, which he claimed to have in his manor of Cranborn, in Dorset.

In Dorset, for the hundred of Gillingham, the jury said that Richard earl of Gloucester, in the time of Henry III. exceeded the bounds of his chace of Cranborn, between the road from Shaftesbury to Blandford, and the banks of the Stour, and made attachments there; where before the said time, they never used to be made, nor ought to be made; and so it was done to that time.

For the hundred of Lousbergh, in Dorset, the jury said that the then earl, Gilbert, exceeded the bounds, &c. of his chace of Cranborn, from the road of Shaftesbury and Blandford, to the banks of the Stour; and made attachments where he never used to make, nor ought to make, &c.

It is observable, that some of the above presentments state the excesses as taking place under Richard, and others mention only Gilbert de Clare. This implies that Richard had neither wholly pursued, nor receded from his claim on the larger bounds, and that Gilbert had enforced it more generally; which the slackness of Henry III. concerning the charters, and

and the influence of the earl, had enabled the latter to effect.

The king, Edward I. was engaged on an expedition into Wales, in 1277, in which time the statute of Gloucester had been enacted; being a compendium of some excellent laws, securing the rights and liberties of the people, and providing for the better administration of justice. This was confirmed in parliament, in 1278: and one of the proceedings of that time, 7th of Edward I. was, a commission issued to William Scammell, dean of Sarum, and M. de Columbaire, stating that

Whereas the king willed that his charter of the forest, in all its articles, should be inviolably observed, according as he had caused to be published in his council, (or parliament,) at Westminster, he ordered them to chuse twelve discreet and lawful men, knights and others, in each of the under written counties, (eighteen in number, including Wilts, Dorset, Somerset, and Southampton,) with the foresters and verdurers in the said counties, that by their view, a right perambulation should be made; to wit, that which had been made in the time of Henry III. and was not yet completed; and that other articles, contained in the said charter, should be completed. The sheriff
was

was ordered to meet them, &c. so that the perambulation should be made, and other articles, contained in that charter, should be performed according to the tenor thereof: yet so that nothing should be committed in execution of it, until report was made, distinctly and openly, and without evasion, concerning it, to the king, under the hands and seals of the said knights; &c. when he would command that to be done, which by his council he should provide &c. *

In consequence of this commission, the jury in Wilts, on their oath, said, *inter alia*,

That the wood of Chettle, to wit, whatever was contained in Wilts, and the grove of Fernditch, and all the hill which was in Wilts, to the Avon, ought to be dissafforested of vert and venison; because that some woods, among these woods, were afforested in the time of king Henry III. and some in the time of king John, and ought to be disafforested. The jurors said also, on their oath, that the foresters of Chettle, and of the chace of Cranborn, of the earl of Gloucester, took chiminage at the bridge of Ayleswade, and at Bulbridge, and in other places, where, according to the tenor of the charter, they ought not to do it; and attached men in the county of

* Record in the Tower.

of Dorset, to the great damage of the king, and to the grievance of the whole country.*

Some similar proceedings appear to have taken place at Sherborne, in Dorset, in the following year, before John de Ryegate and his companions, justices in eyre, for the hundred of Badbury, on some complaints against the earl of Gloucester.

Notwithstanding these determinations, the earl did not cease his endeavours to establish a possession of the larger bounds of the chace, in connection with Cranborn. For this purpose, measures were taken by him, to set aside all the late decisions, and to produce a fresh title to the chace, founded on some former proceedings.

We have seen that the earl of Gloucester had withdrawn himself from the party of the earl of Leicester, in the late reign, and joined with prince Edward. He had been one of the foremost to proclaim that prince, when absent, and had entertained him at Tunbridge, on his arrival from Palestine. He continued in favour with Edward, as appears by his employment in the Welsh wars, and by his marriage, some years later, with that king's daughter. The state of affairs was favorable, in other respects,

to

* Record in the Chapter house;

to his pretensions on the chace. Notwithstanding the orders given, at various times, to execute the provisions of the statute *de foresta*, the fulfilment of them took place very slowly; as appears by the complaints which continued to the two succeeding reigns. This indifference respecting the disafforestations, combining with the earl's influence, we may, therefore, be the less surprised at a measure ensuing, which was intended, doubtless, to give an appearance of legality to the earl's claim of the larger bounds of Cranborn chace. This was, by the issue of a *Quo warranto*, or enquiry by what authority the earl held the chace.

The account of this proceeding being taken from a record of the county of Hants, quoting one of Dorset, the time does not appear. The following is, *inter alia*, from another record, entitled

Dorset sc.

Placita de Juratis, &c. i. e. Pleas, &c. before John de Ryegate, and his companions, justices in eyre, at Sherborne, in the county of Dorset, in Hilary term, 8th of Edward I. containing a claim, by the earl of Gloucester, of free hundred, and free chace, in his manor of Cranborn, according to a perambulation formerly made, and warren in his demesne
lands,

lands, in the said hundred, &c. (with various privileges of the manor and hundred ; as market, fair, assise of bread and ale, punishment of offenders, &c.) *salvis libertatibus quas alii clamant*, &c. *i. e.* saving the liberties which others claim in the said hundred. He claimed also a free court of the chace, and to implead therein concerning vert and venison, with attachment of offenders. On which it was found by the jury, that the earl and his ancestors had enjoyed those liberties, beyond the memory of man ; &c. Saving to the king and his heirs their actions, when they should chuse to plead. *

On this claim, it may be remarked, that it was the endeavour of Richard and Gilbert de Clare, to unite the chace with the manor of Cranborn, by confounding the privileges of the former, with those of the manor and hundred. As nothing of this connection appears to have existed in the time of their predecessors, there is reason to believe that the several liberties had before been entirely distinct. In the above record, the claim of free hundred and free chace is confined to the manor of Cranborn, in the county of Dorset, and does not express any bounds, but refers to a former unspecified perambulation. It is said that no
claim

claim was made in Wilts, at the eyre held about the same time; but the proceedings at that eyre had not been found. *

The following contains the account of the *Quo warranto*.

Placita de juratis &c. Pleas, &c. before Solomon de Rosse, and his companions, justices in eyre, at Winton in the county of Southampton, in eight days of St. Martin, 8th of Edward I. and commencement of 9th, (*incipiente nono*) containing,

Dorset, sc.

Placita forinseca, de quo warranto, &c. a foreign plea, by what warrant, &c.

Gilbert de Clare, earl of Gloucester and Hertford, before the justices in eyre, at Sherborne, in the county of Dorset, was summoned to shew by what warrant he appropriated to himself free chace, from the king's highway which leads between Shaston and Blandford, on the hill, from the western part of that way, to the water of Stour, ascending by the water of Stour to the water of Sturkel, and from the water of Stour ascending by the water of Sturkel to Shaston, within the precinct of which appropriation are contained the villages of Melbury, Compton, Fontmell

Fontmell, Iwerne-Minster, Hanford, Child-Oakford, Iwerne-Courtney, Ranston, Stepleton, Laterton-Ash, Stour-Payne, Nutford-Locks, and Blandford. And thence, William de Gysecham, (attorney for the king) said as follows; That the earl had his chace by certain bounds and divisions: to wit, from Chettleshead to Grimsditch, thence to Hanley, thence to Dean, thence to Gussage St. Andrew, thence to Brandon (or Horndean,) thence to Stubhampton, and by the middle of the village of Stubhampton, to the head of Richersdene, (or Rothersdean,) thence to the king's highway, which leads from Blandford to Shaston, and by that way to Tenersdene, or Tennersditch, thence to the head of Westwood, by the way which is called Ridgeway, which leads towards Salisbury, as far as the bounds of Wilts, which extend between Ashmore and Ashgrove, and so to Standen, thence to Martersgore, thence to Singoak, (or Stickingore,) and Sandpit, thence to the head of Longcroft, and so to Larmer, thence to Longden by the metes and bounds which divide Dorset and Wilts; to Chettleshead aforesaid.

That the earl had appropriated to himself, beyond those bounds, to the said chace,
the

the villages of Melbury, Compton, &c. (as before) which were without the chace, making attachment of vert and venison: to the prejudice of the king and of his dignity.

But the earl came, and said that formerly a certain perambulation was made of the metes and bounds of the said chace of Cranborn, in the time that king John was earl of Gloucester; and that afterwards, in the time of king Henry III. an inquisition was made by Geoffrey de Langley and Richard de Worthing, justiciaries, *assignatis de metis, bundis et divisis, perambulationis predictæ*, appointed concerning the bounds, divisions, and perambulation aforesaid, who found an inquisition at New Sarum, in the 29th year of the said king, by the oath of the underwritten, to wit, of Thomas de Hinton and others (twenty four persons,) who all unanimously said *quod hæc sunt metæ et bundæ per quas perambulatio facta fuit chaciæ*, that these were the metes and bounds, by which a perambulation was made of the chace of Richard, earl of Gloucester and Hartford; to wit: from Bulbridge, in Wilton, to Hurdecote; by the water of Noddre to the mill of Dinington or Dinton, thence to the mill of Tisbury, and to Wickham, by the water of Noddre,
to

to where Semene falls into Noddre, and so by the water of Semene to Semene head; thence to Kingsettle near Shaston, thence to Shaston, that is, to Sleybrondesgate, and to the church of St. Rombald, thence to Gilden-oak, thence to the water of Sturkell, and by that water to the bank of Stour, and by that bank to the bridge of Hayford, the bridge of Blandford, and the bridge of Crauford, thence to Aldwyns bridge, towards Winborn, and by the water of Winborn to Walford, thence to Wichampton, thence to Stonebridge, thence to Longhay which leads to Muleditch, and to Kings, thence to the way which leads to Eastford by the middle of Eastwood, thence by the water of Cranborn to Hoarwithy, thence to Aldlake, thence to Hores-tone, thence to the great road of Ringwood, thence to the bridge of Ford, thence to the bridge of Downton, thence to Aylwards bridge, and thence to Bulbridge in Wilton.

And he said that within those metes and bounds aforesaid, were contained the villages (or parishes) which he ought to appropriate to his chace aforesaid; whence, he said, that he had appropriated nothing to his chace of Cranborn, beyond the metes and bounds formerly thence made, and the inquisitions formerly

merly thereon taken by the said Geoffrey and Richard, &c. And likewise, that the aforesaid inquisition, taken on this, by the said justices returned into the king's chancery. was called thence, to warrant the inquisition aforesaid, which was in the king's treasury. Therefore the treasurer and barons of the exchequer were commanded to certify to the justices last in eyre, in the county of Southampton, concerning the said inquisition, and the metes and bounds contained therein. Afterwards, on that day, the treasurer and barons ordered, under the exchequer seal, a transcript of the said inquisition, &c. (reciting the proceedings and the larger bounds, as above,) afterwards a day was given him ; at which the earl appeared, and asked record and his judgment. And because by the said inquisition it was found, that the said perambulation was made of the chace at the time aforesaid, when king John was earl of Gloucester, by the metes and bounds by which the said earl (Gilbert,) then held them, and likewise the inquisition taken by the aforesaid Geoffrey and Richard, the king granted to the earl that he should hold his said chace by the metes, bounds, and divisions contained in the said inquisition. Saving
always

always the right of the king, and of others whomsoever, when at another time or (place) from thence they should chuse to speak.

(*Salvo semper jure domini regis, et aliorum, quorumcunque, cum alias inde loqui voluerint.*)

And the sheriff of Dorset was ordered to permit the earl to hold his chace of Cranborn, by the metes bounds and divisions contained in the inquisition. *

The recital in the foregoing record, being of several transactions, it is difficult to understand some part of them, unless other records can be found to explain it. The inquisition by Geoffrey de Langley and Richard de Worthing, was respecting the bounds of the perambulation of prince John; and they are said to have found an inquisition at New Sarum 29th of Henry III. which declared that such were the bounds of the chace of Richard earl of Gloucester. From the confused manner of expression, it may seem that the inquisition of de Langley was that of 29th of Henry III. but as it is afterwards said that the inquisition returned into chancery was called thence, to warrant the inquisition aforesaid, which was in the treasury, it implies that there two; in which case the one has no date assigned, and neither of them has the sanction of legal authority but merely of a commission

* Record in the Chapter house.

commission from the king. The character of Geoffrey de Langley has been already given, as has that of Henry III. each of them was capable of an act of injustice; and the whole proceeding was contrary to the provisions of the statute *de foresta*.

It has been remarked, that "the proceedings " on the *quo warranto* could affect no party " but the crown;" and that as it was not a " judgment, no persons could be bound by it, " even if the *salvo jure aliorum* had been omitted;" also, that "the earl would not put " himself upon his country, (i. e. upon a trial " by jury,) but upon a record;" and that the " voucher produced, of 29th of Henry III. was " not an inquisition taken of the bounds of " the chace, but an enquiry concerning the " bounds of the aforesaid perambulation, (of " John,) which was not by virtue of any commission from the king, but at the pleasure of " the prince only." *

Besides the informality of the record, the observations made by a great legal authority, on another transaction of Edward I. may be applicable here: viz. "This ordinance being " made by the king only, without authority of " parliament, albeit it was in affirmance of the law,

“ law, did not bind, and therefore was not ex-
 “ ecuted.” * And farther, “It is very ob-
 “ servable, that if any act of parliament hath
 “ been made, against any of the articles of the
 “ statute of *Charta de Foresta*, by the act of
 “ parliament of 42nd of Edward III. the same
 “ is made void; and by the statutes of *Confir-*
 “ *mationes Chartarum*, all judgments given
 “ against any of the points of *Charta de Foresta*
 “ shall be holden for void.” † The first ar-
 tiele of that charter commences as follows: viz.
 “ *Inprimis omnes forestæ quas Henricus avus nos-*
 “ *ter afforestavit videantur per bonos et legales*
 “ *homines et si boscum aliquem alium quam suum*
 “ *dominicum afforestaverit ad damnum illius cujus*
 “ *boscus ille fuerit statim deafforestetur. &c.* ”
 “ First, all the forests made by our grandfa-
 “ ther king Henry, shall be viewed by honest
 “ and lawful men; and if he afforested any other
 “ wood than his own demesne, to the damage
 “ of him whose wood it may have been, forth-
 “ with it shall be disafforested, ” &c. The
 same writer says, “ to the same effect is the
 “ third chapter. Neither could Henry II. or
 “ any other king, have made or raised a free
 “ chace, park, or warren, for himself, in any of
 “ the grounds of the subjects; for it is truly
 “ said in *Pl. Com.* that the common law hath

so

* Coke's Institutes, part 4. Chap. 73, of the Forests: † Ibid.

“ so admeasured the king’s prerogatives, that
 “ they should not take away nor prejudice the
 “ inheritance of any. * Exception is made, of
 ancient kings, i. e. previous to Henry II. re-
 specting “ great desarts, waste and woody
 “ grounds, [where,] for want of habitations,
 “ they might make what forests it pleased
 “ them ” therein ; &c. and therefore “ a forest
 “ may be, by prescription, good in law over
 “ other men’s grounds. ” †

The decision on the *quo warranto*, though with the sanction of the king’s name, does not appear to have had the effect of establishing the earl’s title to the chace by the larger bounds, as may be seen hereafter.

The king’s conduct, about this time, was not free from the imputation of injustice. In 1280, under the act of *quo warranto*, made to enquire into undue usurpation of lands, it is said, the king being misled by ill advice, and for the gratification of his avarice, ‡ made use of it to oppress his subjects, by obliging them to pay large sums of money, for the renewal of the titles lost during the preceding troubles ; until the progress of the grievance was stopped by the spirited conduct of the earl of Warenne.

The next transaction that occurs, respecting the chace, is of a claim of the king, the 9th of Edw.

* Coke. † Ibid. ‡ Rapin.

Edw. I. at Wilton, of the hundred of Chalk, which the abbess of Wilton held. On this, the jury found that "the abbess and her predecessors had held the same, from time, of which no memory remained." * This decision, of course, contradicts the earl's claim into that part of Wiltshire, from his manor and hundred of Cranborn before mentioned; † the hundred of Chalk being within the larger bounds.

In the same year, an agreement was made between Gilbert de Clare and the abbot of Glastonbury, that the latter and his successors should make of their wood of Haywood, in the manor of Damerham, such advantage as they should chuse, without impediment, from the earl, &c. and might ditch their lands against his wild beasts; also, that a forester of Blake-don, on foot, appointed by the earl, should take charge of those beasts, &c. ‡ This implies that the earl desisted from any pretensions to the right of view in the abbot's woods, and that the latter submitted that a forester should take charge of the deer that happened to be there; but says nothing of Cranborn chace.

Soon after this the earl was engaged with the king in the Welsh wars; and we hear no more, respecting the chace, until the 16th of
Edw.

* Record in Chapter house. † See page 36. ‡ Record in British Museum.

Edw. I. at which time, before the justices in eyre, at Sherborne, concerning the hundred of Badbury, *inter alia*, *De novis consuetudinibus*; concerning new customs, the jurors said that Gilbert de Cors and others, the earl's foresters, in his free chace of Blakedon and Chettell, levied a new custom, by attaching carts, &c. leading them to Cranborn, and extorting amer-ciements, &c. (with other complaints, similar to former presentments.) On this, the jury found that one was not a forester, and he was committed to gaol; others, being convicted, were taken into custody, and afterwards fined; and one was acquitted. * This account shews that these practices were considered as new in that part of the country, though within the bounds of prince John's perambulation, and comprehended in the alledged inquisition of Geoffrey de Langley. The mention of a chace, in that situation, is also inconsistent with the larger bounds; as, in that case, there would have been one chace within another. †

The king being in France, the earl commenced depredations of another kind, 17. Edw. I. by invading in hostile manner the lands of the earl of Hereford, near Brecknock; ‡ “Gilbert had lately erected a castle, on the lands belonging to Humphrey Bohun, earl of Hereford;

* Record in Chapter house. † Manuscript. ‡ Peerage of England.

“ford: on whose complaint of the injury, in
 “the king’s court, Edward reserved the cogni-
 “sance of the cause to himself, and forbade
 “the parties to violate the peace of the coun-
 “try. Notwithstanding this injunction, Gil-
 “bert’s vassals invaded Humphrey’s territories,
 “and ravaged the country. ” * These violen-
 ces being retorted, abundance of bloodshed en-
 sued; and the dispute was not settled until
 some time after the king’s return.

Edward had spent much money, and exhaust-
 ed his finances. The earl of Gloucester, in the
 name of the barons, had refused to grant a sub-
 sidy, whilst the king was absent; but on the re-
 turn of the latter, in 1289, the nobility and cler-
 gy made liberal contributions. The influence
 of the earl was, doubtless, requisite to the pro-
 motion of the king’s measures; and the policy
 of Edward led him to engage the former more
 closely in his interest, by allowing him to form
 an engagement of marriage with Joan, the
 king’s daughter.

Of Edward, it is related, that his first care,
 after his return, was to reform several abuses
 which had been introduced, particularly in the
 administration of justice. Upon complaints
 made to him, from all hands, that the judges
 had suffered themselves to be corrupted with
 bribes,

* Smollett,

bribes, he strictly examined into their conduct, and severely punished the guilty. * This shews that the laws had been very imperfectly administered, notwithstanding the improvements which had been introduced. Some authors state that all the judges, except two, were found guilty of these corrupt practices.

The marriage of the earl of Gloucester with Joan of Acres, daughter of Edward, was solemnised in April 1290, “after that powerful nobleman had engaged himself, by oath, to maintain the lineal succession of the crown of England.” † Previously to this, or at the same time, the earl surrendered to the king his possessions in several counties, including *Maneria de Cranborn cum chacea ejusdem infra comitatum Dorset per metas et bundas temporibus justiciarorum itinerantium in eodem comitatu hucusque factas*; &c. “The manor of Cranborn, with the chace of the same, within the county of Dorset, by the metes and bounds, in the times of the justices in eyre, in the same county, hitherto made; and the manors of Pimpern and Tarente Gunville, within the said county” &c. given at Winton, 20, April. 18 of Edw. I. ‡

Soon after this, the king regranted to the earl,

* Rapin. † Smollett. ‡ Record in the Tower.

earl, and to his wife Joan, "all the aforesaid
 "lands, &c. (which had been surrendered,) "
 "to be held by them and their heirs," *Sicut*
idem comes omnia predicta tenuit die quo ea in-
manum nostram reddidit sine ullo retenemento,
 &c. "As the said earl held all (the posses-
 "sions) aforesaid, on the day that he resign-
 "ed them into the king's hands, without any
 "exception," &c. Given at Westminster,
 27th, May, 18, of Edw. I. *

This regrant is understood to have become
 thenceforward the title to the chace. It specifi-
 ed no bounds, but restored the lands and other
 possessions to the earl, *in statu quo*, as he had
 held them on the day of surrender. The mo-
 tives to this indefinite mode of expression may
 be variously conjectured. On the one hand,
 this transaction has been considered as a con-
 trivance between the king and the earl, that
 the latter, "by receiving the entire chace in
 "general and unspecified terms, might avail
 "himself of any boundaries which had ever
 "been assigned to it." † In another point of
 view, it appears to have been a mode adopted
 for the purpose of quietly discontinuing the
 claim to the larger bounds; which latter opin-
 ion is confirmed by the cessation of complaints
 against the earl or his successors, and by the
 general

* Record in the Tower. † Manuscript.

general evidence of later records, which are silent respecting the larger bounds, and in some degree disprove their existence.

After this, we find no more of Gilbert de Clare, at Cranborn. We hear of him again 19th of Edw. I. in his Welsh possessions, whence it is related, "he encroached upon the territories of Godfrey, bishop of Worcester; which [offence] was accorded for by an annual gift of a brace of bucks, which belongs to the bishop and chapter of Worcester." * In the 20, of Edw. I. the dispute between Gilbert de Clare and Humphry Bohun was brought to a termination. The king had instituted an enquiry into their conduct, and both earls being found guilty, were taken into custody, and their possessions seised. Again, "the cause being tried before the council, the king pronounced sentence, by which the liberties, (or lordships,) of Glamorgan and Brecknock, were forfeited during the lives of the earls; who were sent to prison till ransomed at the king's pleasure. Hereford compounded for a thousand marks; but Gloucester, having been found the aggressor, was obliged to give security for paying ten times that sum, before he could procure his liberty." †

We

* Peerage of England. † Smollett

We find other complaints against Gilbert de Clare. In 1294, the natives of Wales, driven to despair by the heavy taxes with which they were saddled, ran to arms, and massacred all the English who fell in their way. The revolted in South Wales were headed by one Morgan, who drove the earl of Gloucester out of the country. After most of the insurgent leaders had submitted, in 1295, "Morgan still continued in arms in " the county of Glamorgan, which held of the " earl of Gloucester; who had rendered himself " so odious to the natives by his pride and tyranny, that the Welch noblemen refused to " obey his superiority." * On being indulged with holding their lands of the crown, according to their offer, they submitted, and laid down their arms. This was the last transaction related of Gilbert; who died in the same year, 24th of Edw. I. leaving a son named Gilbert, only five years of age. After this, there is no more mention of disputes concerning the chase, during a very long period.

Respecting the forests in general, we find a continuance of complaints, in a manifesto by the earls of Hereford and Norfolk, alledging *inter alia* the neglect of Magna Charta, and of the assise of the forest. In 1299 the king again confirmed the two charters, and the sheriffs,

* Smollett,

sheriffs were ordered to publish them in the county courts. In 1301, it is related, the perambulation of the forests had been made in every county by the king's commissioners, all exceptions discussed, the inquests approved in parliament, and confirmed by the king. It appears nevertheless that something remained to be done in the succeeding reign; as in 1315, we again hear of the confirmation of the charters, by Edward II. and the appointment of commissioners to make perambulations through the forest. This, as usual, was the accompaniment to a subsidy from the parliament; and in the next year, previous to receiving another supply, the king issued writs, enjoining the strict observance of the ordinances and perambulations. Notwithstanding all these orders, the business yet remained incomplete; the popes legates in 1318, "advised the king
 "to appease the discontents of the people, by
 "confirming the ordinances and the two charters, without those salvos for the prerogative,
 "which were found to destroy the effect of these
 "salutary institutions" * This advice, though enforced by a combination of the barons, was reluctantly acceded to by the king; yet we find the subject continued to the next reign, and it was not until 1341, that the maintenance
 of

* Smollett.

of the charters, and the privileges of the people, were stated to be sufficiently secured by the laws already in force.

To return to Edward I. He was at Carlisle, in 1307, waiting for reinforcements to proceed against Scotland, which he had before repeatedly invaded, but was seized by a distemper which soon put an end to his life.

The character of this prince is much superior to that of his predecessors, in general, but has many blemishes. In his reign many excellent statutes were made, and some abuses reformed, but his own conduct was not always consistent with justice. In the affair of the *quo warranto*, and in that of the surrender and regrant of the chace, his duplicity or indecision left an opening for disputes and litigation, the consequences of which are felt to this time.

Gilbert de Clare, the son of Gilbert, does not appear to have interfered respecting the larger bounds of the chace. He was killed at the battle of Bannockburn, in Scotland, in 1313, and on his decease his possessions were inherited by his three sisters; viz. Eleanor, married to Hugh Despencer, the younger; Margaret, to Pier de Gavestone; and Elizabeth, to John de Burgh, earl of Ulster. Elizabeth,
daughter

daughter of the latter, was married to Lionel, duke of Clarence; whose daughter, Philippa, married Edmund Mortimer, earl of March, to whom succeeded his son, Roger, whose daughter, Ann married Richard of York, grandfather to Edward, afterwards king Edward IV. The manor and chace of Cranborn, and other possessions, had come to the share of Elizabeth de Burgh, whence they came, in succession, to Edward IV. and continued to be held with the crown, (excepting some temporary alienations to individuals during life,) until the reign of James I: being a period of upwards of 140 years.

The records during the above time being numerous, will be noticed only in a summary manner. In the first place, the inquisitions taken of the lands and liberties of the possessions of the chace, or of the manor of Cranborn, on their decease, were to the following purport.

24th of Edward I. on the death of Gilbert de Clare, it was found that the manor of Tarrant Gunville was held by him of the king, *in capite*; and that in a park, there were forty acres of land and under-wood.

Same date at Cranborn, *inter alia*, that the perquisites and pleas of the chace were worth 60 shillings

shillings per annum, and that the earl held the manor of Cranborn, with the appurtenances, of the king.

35th of Edward I. That the former earl had held the manor of Cranborn, and that there was a foreign hundred, worth 20s. per annum, and a court within the manor, 28s. 8d. per annum; and a certain chace, which was worth nothing per annum beyond the sustenance of the beasts.

8th of Edward II. That the late earl held of the king, *in capite*, in the county of Dorset, the manor of Cranborn; and that there were in the park of Alderholt 154 acres, in the wood of Bowrewood 56, in Blakedon wood and pasture 300, at the hill with west park 161 acres, pleas and perquisites of chace worth per annum 13s. 4d.

34th of Edward III. That Elizabeth de Burgh died seised, (i. e. in possession) of the manors of Cranborn, Tarent Gunville, Pimpern, Stupel, (or Stepel,) and Wick; and of the boroughs of Wareham, Portland, and Weymouth.

43rd of Edward III. That the late Lionel, duke of Clarence, held, for the term of his life, of the king, *in capite*, by knights service, the manors of Cranborn, Tarent Gunville, Pimpern, and Stupel &c.

22nd of Richard II. At Dorchester. That the late Roger Mortimer, earl of March, held in his demesne, as of fee of the king in chief, by knights service, the manor of Cranborn, with the appurtenances, in the county aforesaid, (Dorset) &c.

I. of Henry the V. At Sherborne, That William Stourton was seised of the manor of Cranborn &c.

9th of Henry V. At Shaston. That John Arundel, of Chichester, chevalier, was seised of the manors of Cranborn, Upwinborne, &c.

The originals of all the above records are said to be in the Tower.

2nd of Edward IV. At Cranborn. That within the lordship of Cranborn there were a capital messuage, and sundry fields, (as enumerated,) and the king had a park there, with wild beasts, called Blakedon park, also woods called Alderholt park, Bowerwood, Castlewood, and Pitacre, and a fine chace called Cranborn chace, with many wild beasts, &c. *

All these have been formerly cited, to shew that the chace were in those times confined to the county of Dorset, and within the smaller bounds. Blakedon is mentioned in some accounts as separate from Cranborn, and in others

others as being part of it. In fact, being under the same possessor, it might easily be taken as such.

A claim appears of the earl of Gloucester, 41 of Edward III. (*inter Brevia Regum, Dorset*) (in the Tower,) in his manor of Cranborn, of free hundred and free chace, belonging to the said manor, according to the perambulation formerly made, and warren in his demesne lands. Probably Lionel, duke of Clarence, had assumed the title, on the death of Hugh Audley, second husband of Margaret de Clare.

Sundry grants of free warren are also cited; viz. 22nd of Edward I. To the abbess and convent of Shaftesbury, in all her demesne lands of Donhead, Tisbury, &c. in the county of Wilts: provided the lands were not within the king's chace. *

In similar terms are the following.

31st of Edward I. To John Huse and his heirs at Bridmere.

39th of Edward I. To John de Berwick Northington &c. †

A writ of allowance of this was granted 1st of Richard II. ‡

4th of Edward III. To the abbot and convent

* In the Tower;

† Ibid.

‡ Manuscript;

vent of Glastonbury of free warren in their demesnes, *inter alia*, at Damerham.

These places are all in Wilts, within the larger bounds; and it is understood that no free warren can exist within a chace, except to the proprietor of the chace.

6th of Edward VI. To Lord Clinton and Say, and Henry Hordson, and their heirs, the manor of Tarent Gunville, Dorset, with all such free warren &c. as queen Katharine had enjoyed. *

Licence was granted to alienate this to Thomas Devenish, 1st of Mary, and to John Swain, 4th of Elizabeth. †

The temporary grants of the chace were as follows;

The king granted to Richard Lowell, the manor of Cranborn, with the chace and other appurtenances, in the county of Dorset, and the manors of Pimper, Tarrant Gunville, Stupel, &c. to hold at the king's pleasure. ‡

1st of Henry VIII. The king granted Cranborn and the chace &c. to Katharine princess of Wales. * *

32nd of Henry VIII. The king made a jointure to Queen Katharine Howard, including the forest of Gillingham and Cranborn, and the parks

* In Augment. office. † Hutchins. ‡ Manuscript. ** Ibid.

parks of Gillingham and Blagdon, in the county of Dorset. *

1st of Edward VI. The king granted to Edward duke of Somerset, that part of Cranborn chace called Chettered, the woods called Queens coppice, and the liberties of the king's forest and chace in Gussage Michael, Kyneston, Rushton, Monkton, Lanston, and Long Critchell.

4th of Edward VI. To Sir William Herbert, for 21 years, the manor, hundred, and chace of Cranborn, in the county of Dorset. †

Edward VI. To the earl of Pembroke, *inter alia*, the chace of Cranborn, with its rights &c. in the county of Dorset. ‡

The foregoing mention the chace only in Dorset.

Other grants of lands &c. are as follows viz:
14th of Edw. IV. by the king to his brother, the duke of Clarence, the manor and lordship of Iwerne Courtney, (or Shroton,) with all parks, chaces, warrens, liberties &c. thereto belonging. **

These were within the larger bounds.

36th of Henry VIII. The king in consideration of £320. 7s. 6d. paid to the treasurer of the

* Record in the Tower. † Ibid. ‡ Manuscript. ** Record in the Tower:

the court of augmentations, granted to Henry Longford the lordships of Woodyates and Gussage St. Andrew, in Dorset.

1st of Edw. VI. The king granted to Thomas, earl of Southampton, *inter alia*, the manor of Iwerne, in Dorset, late belonging to the monastery of Shaston. A small part of Iwerne-Minster, consisting of coppice adjoining other chace woods, and at a considerable distance from the village, is within the smaller bounds: the rest being within the larger bounds. In the 11th of Eliz. the earl had licence to alienate Iwerne to Ralph Henslaw.

In several requisitions relating to purchase of monastery lands, is certified by the auditors, the distance from any of the king's forests, chaces, parks, or houses. For instance, 37th of Henry VIII. respecting the manor of Fontmell, it was added by the auditor, that "it lay near
" none of the king's parks, forests, chaces or
" mansion places, whereto the king had access. "

Concerning the manor of Barton, (or Cann,) " forest, &c. of the king, there is none adjoining. "

Burdehurst (or Bedcester,) from any, &c. six miles.

Donhead St. Mary, and St. Andrew, lands in
Charlton

Charlton and Combe, "not near to any king's
"house, &c. saving to the park of Wardour."

Melbury and Cann, "king's park, forest,
"chace &c. none adjoining."

The above were parcels late belonging to
the monastery of Shaftesbury, and granted to
Sir Thomas Arundel. *

35th of Henry VIII. To Sir John Rogers,
lands in Pimperne, "two miles from Cranborn
"chace." In Blandford St. Mary and Charl-
ton, "8 miles." †

36th of Henry VIII. To Henry Longford,
the manors of Woodyates and Gussage St.
Andrew, &c "2 miles," and a tenement in
Hanley, "1 mile" ‡

To Thomas Macham, The manor of Up-
winborn, "3 or 4 miles." **

To John and Robert Bartlett, lands &c. in
Estworth, "4 miles" ††

7th of Edw. VI. To John Coke, &c. a farm
in Ebbesborne Wake and Girardeston, "1
or 2 miles." ††

3rd of Eliz. 1561. To Edw. Twinhow, the
manor of Tarrant Monachiorum, or (Monk-
ton,) "2 miles.") *† The foregoing distan-

ces

* Record at the Rolls. † In Augment. office. ‡ Ibid: ** Ibid. †† Ibid.
‡‡ Ibid. *† Ibid.

ces are from the chace of Cranborn, as specified by the auditors. The following are stated to be not near any king's forest, chace &c.

To John Pope, lands &c. in Hurdecote, and Compton Bassett. *

38th of Henry VIII. To George Strange-way, the Rectory of Tarente. †

36th of Henry VIII. To J. Bartlett &c. lands &c. in Tarent Antyoceston, or Rawston.

Also the city of New Sarum. ‡

38th of Henry VIII. To John Bellow, &c. a farm called Lopeshall, in Damerham. * *

Edw. VI. To lord Wriothesley, the town and borough of Shaston † †

Other returns vary in expression, viz.

1st of Edw. VI. To James Tutt &c. Land, &c. in Sutton Parva, Wilts. "*Mem.* How near the same do adjoin" &c. "the auditor knows "not." ‡ ‡

35th of Henry VIII. To Sir J. Rogers, the manor of Estwick in Purbeck, and lands in Blandford Forum and St. Mary, as the auditor "had learned, were from any of the king's "houses 12 miles, and from any of his forests "or chaces, 6 miles." * †

37th of Henry VIII. To W. Hodges &c. lands

♥ In Augment. office. † Ibid. ‡ Ibid. * Ibid. †† Ibid. ‡‡ Ibid. *† Ibid.

lands &c. in Abbotstreet, 4 miles from the king's forest of Purbeck, and 9 from Corfe castle. *

36th of Henry VIII. To George Rolle &c. a farm &c. in Shapwick, 10 miles from any of the king's houses, and 2 from any of his parks, forests, or chaces. †

The distances from the chace, as mentioned, agree in general with those from the inner bounds. The places are all nearly either within the larger boundary, or at a small distance from it. Some of the last mentioned are incorrectly expressed; and of others, where the distances are not given, the auditors probably were not aware that the chace was near. The records have been heretofore cited, to shew that only the smaller bounds were at that time generally acknowledged.

Other records, were to the following purport.

6th of Henry IV. In an extent and customary of the manor of Tollard Govitz, (part of the manor of Tollard Royal,) was included, *inter alia*, "*Item est ibidem unus parcus separatus equali porcione per metas et bundas circumfossatas, a parco vocato Lucie's park, &c.*" "Also" "there is one park separated, in equal portion, by metes and bounds dug around, from the park called Lucy's park," &c. which part contained

† In Augmentation office; † Ibid.

contained by estimation 24 acres. On this it is stated, that there were also within the larger bounds, in Wiltshire, the parks of Wardour, Wilton, and Falston; in Hants, Breamer, Burgate, and Rockborn; in Dorset, Blagdon, Gunville, and Alderholt; but none within the smaller bounds; as a park would not be allowed within a chace. *

In 20th of Edw. III. John Upton of Berwick had entered the free chace of Eliz. de Burg, at Cranborn, Pentridge, Ashmore, Gussage, Chettel, and Gunville, without licence, and taken several deer; which offence he repeated for eleven years, to the damage of forty marks. For this, in the king's bench, in 33rd of Edw. III. he was put in custody until he paid the amount. † Some of these places are within the smaller bounds, and others were the demesne lands of Eliz. de Burg, to which cases the provisions of the statute *de foresta* did not extend. No complaint appears of any place in Wiltshire.

On a writ to the sheriff of Dorset, to enquire whether Roger Damer might, without prejudice to the king, inclose and make park of his wood of Blagdon, within the chace of Cranborn, the jury found that it would not be to the prejudice, &c. ‡ In 19th of Eliz. Blagdon, alias

* Manuscript: † See grant of free warren 31st of Edw. I.

‡ Record in British Museum.

alias Cranborn park, with free warren there, was granted to John Scudamore. * The vicinity of Blagdon to Cranborn may account for the confusion of names: the several forests and chaces are sometimes mentioned as one, and at other times as separate and distinct tenures.

Some records from the abbey book of Wilton have been cited, to shew that Rushmore formerly belonged to the abbey of Wilton. At the abbess's court, held at Berwick, 14th of Edw. III. it was found that Robert Salesman had a right of pasture, as the lady's woodward, and as holding some lands, subject to a payment of fowls and eggs: 48 of Edw. III. that his son John held the same: and that John Coke, Rector of Chalk, might take a cart load of wood daily, &c. but with only one horse; and 10th of Henry V. that Robert Salesman should make satisfaction for the fowls and eggs, which he had omitted to bring. †

1 of Edw. IV. The king granted to Walter Harding, the office of ranger of the chace of Cranborn, in Dorset, and on his decease, 24th of Edw. IV. the king granted to Thomas Dakham valet of the chamber, the same office, and the office of keeper of Rushmore lodge. ‡ It is conjectured that this latter, which is in Wiltshire, had been purchased for the use of the

* Hutchins.

† Abbey Book:

‡ Record in the Tower.

the chace, it being but a small distance from the inner bounds. *

On a trial hereafter to be mentioned, 15th of James I. one witness stated that there was only one ancient lodge; (West lodge,) and a dwelling house, used as a lodge, on Lord Pembroke's manor of Berwick. †

The possession of this house may account for the mention of Wiltshire, in a record dated 4th of Henry VIII. entitled a Computus of Christopher Power, receiver to Queen Katherine, containing, *inter alia*, a recital of the appointment of Sir Edward Darell, *ad officium seneschalli domini sive manerii nostri de Cranborn, in com. Dorset, ac officium guardiani magistri et custodis chace nostræ de Cranborne in dicto comitatu Dorset, ac in com. Wiltes, &c.* ‡ “to the office of
 “ steward of her demesne or manor of Cranborn,
 “ in Dorset, and to the office of warden, master,
 “ and keeper of her chace of Cranborn, in the
 “ said county of Dorset, and in the county of
 “ Wilts, and of all the wild beasts; ” &c. “and
 “ of keeper of her park of Blagdon, in the
 “ said counties of Wilts and Dorset.” &c. The computus was for Cranborn with its members, and Ditchampton; comprising Cranborn manor, Cranborn borough, Cranborn Holwel, Cranborn Alderholt, Wilkesworth, Cranborn hundred,
 Cranborn

* Manuscript. † Ibid. ‡ In Augmentation office.

Cranborn chace, Cranborn fee, (or copyhold) and Ditchampton. This also may account for the insertion of "Wilts," as Ditchampton is in that county, near the outer line of boundary; but not connected with Cranborn, otherwise than that Christopher Power was also receiver for the manor of Ditchampton. Hampshire is not mentioned; wherefore this does not appear to refer to the larger bounds. It is observable, that the park of Blagdon is described as being in both counties; though it was only in Dorsetshire, and within the manor of Cranborn, as appears in the following record, and others.

12th. of Eliz. The queen granted to Henry earl of Pembroke, *inter alia, officium capitalis seneschalli man. nostri de Craneburn, in com. Dorset ac offic. guard. et custod. chaceæ nostræ de Cranebourne in eodem com. nro. Dorset, cum omnibus et singulis juribus, &c. offic. rangeatoris ejusdem chaceæ, Necnon offic. custod. parci nri de Blagedon infra man. de Craneburne p. dict. &c. Ac offic. balliv. et messor. de Cranborn p. dict. &c.* The office of chief steward of her manor, in the county of Dorset, warden and keeper of her chace of Cranborn, in her same county of Dorset, and ranger of the same chace; also keeper of her
park

park of Blagdon, within the manor of Cranborn aforesaid, &c. and bailiff and hayward of Cranborn.

In 22nd of Eliz. an action of trespass was brought in the court of common pleas, by Thomas Toppe, farmer of Bridmore, against William Wearl, one of the keepers of the chace, for chacing and rechacing the deer in Bridmore field and destroying his corn thereby. The defendant alledged that the place was within the liberty of the chace of Cranborn, and that he entered it as one of the keepers of that chace: the plaintiff replied that it was not within the chace. Thereupon issue being joined, judgment was given in favour of the plaintiff.

It is supposed to have been soon after this time that Sir Henry Ashely, being ranger of the chace, took a lease from the lord of the manor of Bridmore, of his free warren there; and that Sir Mathew Arundell, proprietor of Tollard, being deputy ranger, employed men at that place to look after the deer; but on his dismissal, prohibited the keepers from coming on the grounds at Tollard; as was stated in the depositions on a subsequent trial, 15th of James I. *

23rd of Eliz. Exemplification. Thomas earl of Sussex, chief justice in eyre, certified respecting
ing

ing the queen's chace of Cranborn, that John Swayne of Blandford had been summoned before him, "and charged to have used his pur-
 " lieu, within his manor of Tarrant Gunville,
 " and the demesne of Raudleneston, next ad-
 " joining the chace of Cranborn, in the county
 " of Dorset, contrary to the laws and ordinau-
 " ces of the forest; that is to say, in not per-
 " mitting the keepers to rechace the deer in
 " the said John Swaynes purlieu, into the
 " chace, as theretofore the said keepers had us-
 " ed, and of right ought to do: and also in fore-
 " stalling the deer in his said purlieu, and kill-
 " ing of unseasonable deer, contrary to the laws
 " &c. of the forest; and also for cutting and
 " inclosing his coppices by the space of 7
 " years," to the prejudice of the game within
 the chace, &c. By confession of the plaintiff
 (the earl of Pembroke,) and of the defendant,
 John Swayne had, time out of mind, a park of
 purlieu in the said manor &c. On which it was
 ordered, by assent of the parties, that he might
 cut down and inclose his woods, &c. within
 the purlieu, without licence; and that he should
 suffer the keepers to hunt and rechace the game
 out of his purlieu, &c. also that John and
 Robert Swayne should, without disturbance of
 the keepers, use, hunt, and have the purlieu, as
 by

by the laws of the forest &c. and customs of the said chace, they ought to do, and in no other sort; also that John Swayne might inclose his park, to keep out the deer, but not make any deer-leap to let in the deer from the chace. *

It is said by chief justice Coke, that "purlieu
 " contains such grounds which Henry II. Rich-
 " ard I. or king John added to their ancient
 " forests, over other mens grounds, and which
 " were disafforested by force of the statute of
 " *Charta de foresta*, cap. 1st and cap. 3rd and
 " the perambulations and grants thereup-
 " on." &c. "By this it appeareth that chaces
 " that never were any forests, cannot have any
 " purlieu," &c. "The owners of grounds
 " within the purlieu, may fell, grub, &c. their
 " woods &c. convert their pastures &c. to ara-
 " ble, inclose them," &c. "and so dispose and
 " use the same, or any part thereof, as if they
 " never had been afforested." And further
 " we proceed and do hold, that in any purlieu
 " a man may as lawfully hunt to all intents and
 " purposes within the purlieu within his own
 " grounds, as any other owner may in his
 " grounds that never were afforested at all." †
 But it appears that the king, &c. retains a
 right to the deer in the purlieu, against all men
 except the owner of the land; and that the lat-
 ter

* Manuscript.

† Coke's Institutes.

ter may not unfairly impede them in return to the forest. * The foregoing case of John Swayne confirms the opinion that the chace had been esteemed a forest, and that the lands between the smaller and larger boundary were duly disafforested.

“ It is alledged in favour of the larger
 “ bounds, that in the ancient court rolls of the
 “ chace, are great variety of presentments and
 “ punishments, for facts committed in the coun-
 “ ty of Wilts, in Alderholt and Chettered
 “ walks, Gunville, Ranston, and Iwerne Min-
 “ ster, all without the short bounds. ” † One
 roll dated 1st of Edw. VI. is said to contain
 “ presentments, which relate to the following
 “ places; West Buckden, East Buckden,
 “ Chittered, Alderholt, Blakeden, Ashe (or Ash-
 “ more) and Burchalke; ” ‡ most of these
 being between the inner and outer bounds.
 Another is cited of 2nd of Edw. VI. The
 foregoing quotations respecting *purlieu* may
 explain this, to which the following may be
 added, from the same writer; viz. Albeit these
 purlieus be absolutely disafforested, and have
 no liberty of forest there, yet, for conveniency,
 it hath been permitted that the rangers of
 “ the forests should, as often as the wild beasts
 “ range into the purlieu, with his hound re-
 chace

* Coke's Institutes, see Burn, article Game. † Hutchins. ‡ In Augment. office.

“ chace the same. And these rangers have
 “ used to present unlawful hunting, and hunt-
 “ ers of the king’s deer within the purlieu, as in
 “ the night, or of unseasonable deer, or killing
 “ of the king’s deer, in purlieu, by no purlieu
 “ men, but unlawful hunters, or the like; such
 “ as should not take advantage of their own
 “ wrong both to the king and the purlieu men;
 “ and they are known to be deer belonging to
 “ the king’s forest, because there are no others
 “ within the purlieu.” To illustrate this the
 form of the rangers oath, as antiently taken, is
 added; viz. “ *You shall truly execute the office*
 “ *of a ranger in the purlieu of P. upon the bor-*
 “ *der of the king’s forest of P. you shall rechace*
 “ *with your hound and drive the wild beasts of*
 “ *the forest, as often as they shall range out of*
 “ *the forest into the purlieus, and you shall truly*
 “ *present all unlawful hunting and hunters of*
 “ *wild beasts of venary and chace, as well within*
 “ *the purlieus as the forest, and those and all*
 “ *other offences you shall present at the king’s next*
 “ *court of attachments, or swainmote, which shall*
 “ *first happen,*” &c. The writer adds, “And
 “ it is to be noted, that in such forests as have
 “ no purlieus, there is no ranger.” *

Though it is said that “ *Chacea est ad com-*
 “ *munem legem,*” (Chace is subject to the
 common

* Coke’s Institutes:

common law,) “and is not to be guided by the
“forest laws;” yet there are exceptions. It
appears that Cranborn chace has at various
times been considered as a forest, with which
the foregoing mention of purlieu coincides.

Thus the general tenor of the records, from
the 18th of Edw. I. to the 22nd of Eliz. im-
plies the existence of the chace in the county of
Dorset only, and within the smaller bounds;
except one slight mention of Wilts, and ano-
ther of Rushmore lodge; which exceptions are
accounted for, by the casual possession of a
house at Rushmore as a lodge to the chace &c.
The computus of Christopher Power was a
mere act of queen Katherine, or of her servants,
and was in no respect binding on other persons.
A custom, however, had been established,
which tended to preserve the recollection of the
larger claim; this was the collection of chimi-
nage, or toll for passing through the forest in
the fence (i. e. defence) month, at the usual
time of the does producing their young; viz.
from 15 days before Midsummer day, to 15
days after it: This payment appears to have
been claimed in later times, only at Harnham
bridge near Salisbury, and Bulbridge by Wil-
ton. The submission to this imposition is not
a proof of its legality; and it is remarkable
that

that a payment of a more serious nature, called White Hart Silver, continues attached to part of the ancient forest of Blakemore, although the lands on which it arose, were disafforested under the statute *de foresta*. The relation is that a beautiful white hart had its life spared by Henry III. when he was hunting in this forest; but being afterwards hunted and killed by Thomas de la Lind and his companions, at a bridge since called Kingstag bridge, in the parish of Pulham, these gentlemen were fined and imprisoned, and a heavy tax was laid on the lands over which the hart had passed, which tax is still annually paid, although Pulham was disafforested long ago.

This appears by a record of a perambulation of the forest of Blakemore by Gilbert de Knowil, &c. 28th of Edw. I. On which, after reciting the bounds by which they proceeded viz. from Treherne &c. the jurors said,

That the woods within the said bounds were contained in the lordships of king John, and afforested in his time. And that sundry vills, with their woods, (as specified) including West Pulham, East Pulham, and Mapoudre, with the woods, were afforested after the coronation of king Henry II. viz. in the time of king John, The jurors also said that the said villates

villages, hamlets, and woods, were deafforested by a perambulation made by Walter de Scamel, and Matthew de Colombaire, by the king's writ, 7th of Edw. I. "so that whatever by these perambulations was placed out of the forest remained out of it, and the residue remains in the forest for ever, according to the aforesaid bounds." *

Thus, the lands, and woods first mentioned in the verdict, viz. from Treherne &c. being the demesne lands of king John, were allowed to remain; but the others, including Pulham, &c. were completely disafforested, and have so continued, notwithstanding that the imposition of White Hart Silver still remained.

The foregoing account is a farther proof of the extent and injustice of king John's afforestations; About thirty villages and hamlets, with their woods, being included in the disforestation. It is rather remarkable that the afforestation of these lands and woods, which had been effected by king John, has been wholly set aside; but that the afforestation in Dorset, Wilts, and Hants, which he ineffectually attempted, remains a subject of claim to this day. The record also affords additional proof of the legality of the proceedings of W. Scamel and M. de Colombaire; as related in former pages. †

The

* Hutchins's Dorset. † See page 61;

The claim to the larger bounds had in great measure, if not entirely lain dormant, during the latter part of the time of Edw. I. and through the reigns of Edw. II. and III. Rich. II. Henry IV. V. and VI. whilst the chace was in private hands; and whilst it was united to the crown, under Edw. IV. and V. Richard III. Henry VII. and VIII. Edw. VI. and Mary to Elizabeth; in whose reign the attempt of William Wearl, the keeper, had been made at Bridmore, and defeated. Under the next sovereign a new era commenced to the chace. In the 9th of James I. "the hundred, lordship, "and manor of Cranborn, the chace and free "warren, the site and capital messuage of the "manor and demesne lands, the profits of the "fairs, Castle-hill and Borewood coppice, were "granted to Robert earl of Salisbury in fee."*

In the same year the manor was granted to George Whitmore; † from which it may be supposed that the earl had not at that time an intention of asserting a right to the larger bounds; but it is related, that "soon after this "earl came into the possession thereof, he began to extend the bounds into Wilts, which "occasioned disputes." ‡

In 13th of James I. "The earl began by "filing

* Hutchins.

† Ibid:

‡ Manuscript.

“ filing a bill in chancery, against the earl of
 “ Pembroke, lord Arundell, and others, for
 “ establishing the larger bounds. The defen-
 “ dants answered; and two commissions for ex-
 “ amining witnesses were executed, and re-
 “ turned into court.” *

“ Before the above suit could be brought to
 “ a hearing, William Bowden, one of the earl
 “ of Salisbury’s keepers, was found hunting on
 “ lord Arundell’s land in Tollard Royal, in the
 “ county of Wilts, in the occupation of Edw.
 “ Wood, his tenant, who thereupon brought
 “ his action; and in the 14th of James I. the
 “ cause was tried in the court of common
 “ pleas before a special jury.” The action was
 for breaking down the fences, and treading the
 herbage; which the defendant justified by
 pleading the earl’s possession of Cranborn chace
 in the county of Wilts, which chace extended
 itself as well over the particular lands set forth
 in the pleadings, as over all the rest of the vil-
 lage of Tollard Royal. The plaintiff denied
 that the keepers had been accustomed to enter
 the premises, and contended that the chace did
 not extend so far; whereupon issue was joined,
 and judgment was given in favour of the plain-
 tiff. †

It

* Manuscript.

† Record in common pleas Treasury:

It is related that on the foot of the record it was stated that a writ of error was brought; but on search through the four subsequent terms, it does not appear to have been proceeded in. *

After this decision, the earl surrendered his grant to the king; who thereupon made to him a new grant of the chace, describing it to be situate in the counties of Wilts, Dorset, and Hants, but without any specification of bounds, under a yearly rent of 20s. to be held by the earl and his heirs: with remainder to the king and his heirs, (on failure of issue to the earl,) “as amply as the king or his predecessors had held them.” †

This transaction has evidently the appearance of a mere collusion between the king and the earl, to enable the latter to remove the cause into another court, by pretending to give to the crown an interest in the chace.

Accordingly, in 15th of James I. the earl of Salisbury filed his bill in the court of Exchequer, against William earl of Pembroke, Thomas lord Arundell, Edw. Wood, Thomas Gawen, Robert Topp, and others, whereby he claimed the large bounds of Cranborn chace, beginning at Bulbridge in Wilton, thence to Shaston,

* Manuscript.

† Record at the Rolls.

Shaston, to the Stour, to Blandford, to Ringwood, to Salisbury, and to Bulbridge, including a great part of Wilts, and Dorset, and a part of Hants; in compass about a hundred miles.

He charged the earl of Pembroke, and others, with interruptions, and killing of deer in Kingstone coppice, Plowmans grove coppice, &c.

He charged lord Arundell and Edw. Wood with interruptions in Tollard; viz. in Tollard park, Honeybag coppice, Wiltshire coppice, and Park coppice.

He charged Edmund Uvedale and Robert Topp with disturbances and interruptions in several grounds and coppices in Bridmore; but in this charge he did not proceed.

He charged not Katharine and Thomas Gawen with any offence or interruptions in Norrington or Manwood, but only prayed process against them, as against the other defendants.

All the above are on the outside of the smaller bounds.

The plaintiff pleaded that these were to his disherison of his estate in tail, and to the king of his reversion.

Lord Arundell and Edw. Wood filed their demurrer to the bill, stating the decision in the common

common pleas in favour of Edw. Wood, and the exhibition of the bill in chancery, where all the matters in question had been examined, and yet remained undetermined. They state also, that after the above verdict, the plaintiff "upon pretence of money paid him, when in truth none was, did grant the chace to the king, and took it again with tail, &c. reserving 20s to the king; which was done on purpose, and by the policy of the plaintiff, to molest the defendants, under pretence of the king's reversion," &c. The several defendants stated the right and custom of killing deer, in the premises, these being out of the bounds of the chace, the free warren at Norrington, the making of high hedges, that the keepers only walked by permission to shake off the hounds and fetch in the straying deer, and that action had been brought against the keepers, for coming to Bridmore.

The plaintiff produced the following records; viz. of 34th and 35th of Henry III. the agreement with the abbess of Shaston 35th of Henry III. the *quo warranto*, 8th of Edw. I. the proceedings at Sherborne in the same year, and the conviction of John de Upton, 32nd of Edw. III. He also proved some court rolls, and examined witnesses.

The

The defendants produced the following; viz: the rolls of Wilton, containing claims of the earl of Gloucester, in the hundreds of Altaworth, (or Highworth,) Sterkel, and Kynaston, 17th of Edw. I. the commission of perambulation, 4th of Henry III. the presentments in 3rd of Edw. I. the perambulation 7th of Edw. I. the resignation and regrant of 18th of Edw. I. the grant of 1st of Edw IV. and 25th of Henry VIII. the demise, 4th of Edw. VI. the grant of 12th of Eliz. three grants of free warren, in the time of Edw. I. the extent and customary, 6th of Henry IV. the five records in the abbey book of Wilton, respecting Rushmore lodge, of 14th and 48th of Edw. III. 34th of Edw. III. and of 10th of Henry V. the judgments, 22nd of Eliz. and 14th of James I. They also examined a number of witnesses. *

It is remarkable that the conduct of this trial, on the part of the defendants, appears to have been confided to persons unacquainted with the local situation of places in the county of Wilts. For instance, the hundreds of Highworth, Sterkel, and Kynaston are in the north-eastern part of the county, far from the chace, and were not at all implicated in the claim. In latter times, similar mistakes have been made; for instance, a grant of free warren in Winter-born

† Manuscript of depositions, &c.

born Stepleton has been cited, though that place is in the southwestern part of Dorsetshire; and a grant of Over Compton, and Nether Compton, though on the northwestern side of that county; all being at a great distance from the contested bounds.

On the part of the plaintiff, sundry witnesses deposed that the chace was reputed to extend into Wilts; that deer had depastured, and the keepers had walked, hunted, and killed in sundry places, all beyond the inner bounds; though they admitted that the deer had been chased out of the corn fields, and that frequent squabbles had taken place between the farmers and the keepers. They deposed that the lords of Tollard hunted there only at the annual court; that Rushmore walk was part of the chace, and that owners of copses there gave notice of felling them; that Rushmore lodge was a quarter of a mile in Wilts, and had been used as an ancient lodge; that the woods in Wilts were as much stocked with deer as those in Dorset, and were alike treated as chace; that persons had been taken up in Wiltshire, and obliged to make their peace; that fee wood had been taken by the officers of the chace in several places; that the chace if stinted by the short bounds would be poor, and the walks unfit for
the

the keepers, and that the rangers had appointed persons to take chiminage at Harnham bridge, in the fence month, and were appointed to the profits of the annual game there.

On the cross examination of these witnesses, some of them admitted that several of the places in question were denied to be in the chace; that the farmers drove the deer out of the chief pastures, and quarrelled about them with the keepers; that Sir Matthew Arundell, when deputy ranger, had suffered his own estate at Tollard to be walked, but after being displaced, had asserted its exemption; and that a lodge which had stood in Tollard during his ranger-ship, was removed to Bussy Stool, on his deprivation. One allowed that certain grounds in Bridmore were not in the chace; for that when he was a keeper, he only walked there to fetch in the stray deer. One admitted to have heard that Manwoods copses, in Norrington, were purlieu, and not chace; another, that high hedges, and ditches were used in Tollard, to keep out the deer.

On the behalf of the defendants, of many ancient witnesses, some, who had been keepers deposed to the reputation of the small bounds; to the existence of free warren in several places,

ces, and of nine parks, between the greater and less bounds; others deposed to there being only one ancient lodge; that Rushmore lodge had been a dwelling house, on the earl of Pembroke's inheritance, part of his manor of Berwick St. John, but used as a lodge when that nobleman was ranger of the chace, and that it had been a tenement, for which rent was paid; that the earl of Salisbury had purchased of Sir Edw. Uvedale the herdsman's lodge at Tarrant Monkton, where there had been neither deer nor keepers, twelve years before; that new lodges had been built; that the earl of Salisbury had become owner of some woods, &c. in Berwick, also of Rushmore lodge, and of the ground on which it stood; and that no lodge was known between the inner and outer bounds, except in later times: &c.

Several deposed, *inter alia*, that Sir Henry Ashley being ranger of the chace, took a lease of the lord of Bridmore of the free warren, with liberty to hunt there.

The evidence shewed that the following places, (between the larger and smaller bounds,) were reputed out of the chace: viz. Tollard, Bridmore, Norrington, Ebbesborn, Alvedeston, Fernditch, Burchalk, Ashcombe, Charlton-down,

down, and the earl of Pembroke's woods, all in Wiltshire; and Gunville, Ranston, part of Chettle, Teners ditch, and the down of Melbury, north of the ridgeway, all in Dorsetshire; that the keepers had been forbidden to walk in Tollard, Bridmore, Norrington, Charlton, Gunville, Ranston, Chettle, Melbury, Stepington, &c. from several of which the keepers had accordingly refrained. Some deposed that they knew of no forbiddals at Tollard, Ashgrove, and other places, for that the keepers did not usually come there. Some, that the owners and farmers hunted and killed deer for their own use, in Tollard, Bridmore, Norrington, Ebbesborn, Alvedestone, Charlton, Ashcombe, Ashgrove, Melbury, Gunville, Ranston, Iwerne, Stepington, Fontmel, Sutton, part of Chettle, &c. in most of which, the killing was stated to be publicly, within the keeper's view, and in some, with their acquiescence. The keepers asking leave at some places, to kill deer, was proved, and that on forbiddal they used only to cast off their hounds to drive out the deer.

It was stated that the chace in Dorsetshire was sufficient for the maintenance of 2000 deer.

Single witnesses deposed as follow, viz. to the discharge of Mr. Chafin and the witness before

fore the justice in eyre, for killing of deer in Baron down, and that Mr. Chafin had recovered damages against a keeper for hunting; to the repute of Fernditch being out of the chace, and a deer ground of itself; to the witness's father, a keeper, asking leave to hunt at Norrington, and promising venison; to the intreaty of lord Pembroke's officers to surcease the suit at Bridmore, and another suit; that the latter was thereupon dropped; another, that Manwood's copeses were purlieu, and that the keepers might not hunt but cast off hounds to rechace; that the witness, a keeper, was discountenanced by the deputy ranger for hunting in Chettle; that the witness and his master, on being sued, refrained from hunting in Ashcombe, but cast off hounds to rechace; that fee wood was taken from copeses in Dorsetshire, but none in Wiltshire. Several deposed to seeing copies of the small bounds; one to mapping them for the earl; another to being shewn a copy of them, when a keeper, by one with whom he was walking the bounds, who said it was a copy of a record taken out of the Tower; &c. *

On the hearing of this cause, in the exchequer chamber, by the chancellor and barons in 17th of James I. they decreed that the earl of
Salisbury

* Manuscript of depositions.

Salisbury and his successors should have liberty for feeding and preserving the deer of the chace, in Tollard green, Tollard park, Honeybags, Wilts copses, and Park copse, belonging to lord Arundell, and in Manwood copse and other the wood grounds and copses within the manor of Norrington, in the tenure of Katharine Gawen, and that the several keepers of the chace should have liberty to look to the deer, and to walk in the ground abovementioned, without interruption; &c.

This decision appears far from determining the general question of the boundaries of the chace; being nothing more than giving liberty to feed and preserve the deer, and for the keepers to look to them, in certain grounds specified. The complaint had included the appointment of keepers by the defendants, the making of hedges, ditches, mounds &c. by them, to hinder the keepers of the chace, and the killing of several deer by Ed. Wood; but all these circumstances seem to have passed unnoticed in the decree. The removal of the cause into the exchequer under the flimsy pretence of a small rent, &c. was a stretch of arbitrary power, under a prince who was remarkable for his high ideas respecting prerogative, and for attachment to favorites; who was extremley fond
of

of hunting, and who followed it in this chase. The evidence for the earl is not of a complexion to gain much credit: the pretensions of the earls of Clare had long been superseded by the operation of the statute *de foresta*; and the plaintiff's witnesses were deer-keepers, depending on their employer for support, and liable to a bias in his favour, sufficient to influence their testimony, and to induce them to consider permission and encroachment as custom and right. On these considerations, the verdict, limited as it is, and declaratory of little more than a privilege of purlieu, might in these more enlightened times be esteemed a mere nullity, had it not since been acted upon as a sanction to the claim of the larger bounds.

In fact, the legality of this transaction is very questionable. It is said, *L' eschequer est un place que solement est ordene pour le prou le roy, &c.* * “The exchequer is a place which solely is appointed for the profit of the king;” the primary business of which is to call the king's debtors to account, and to recover his lands, goods, &c. † It is said also *Nul comun plea ne soit desormes tenu en l' eschequer enconter la forme de la Grand Charter* ‡ “No common plea be henceforth held in the exchequer, contrary to the form of the Great Charter.”

Whatever

* Coke's Institutes.

† Blackstone.

‡ Coke from Artic. Sup. Chartas, 28th of Edw. I.

Whatever changes have been introduced in the courts of law, the general distinctions of right and wrong, which are the principles of the common law, continue the same; and it remains for professional men to decide whether they have not been infringed by the proceedings which have been related. Justice Coke is explicit on this subject: " Out of this act (5th of " Richard II.) this general conclusion may be " justly collected; that such course of the ex- " chequer as tendeth to the disquietness, mis- " chief, and delay of the subject, and no advan- " tage to the king, is against law, and ought " not to be allowed. " *

The bill in the exchequer was filed against the earl of Pembroke with the others, but it does not appear that the earl of Salisbury proceeded farther with him. It has been said that " Probably he wished to detach so powerful a " man as that earl, and quieted him with the " sale of Fernditch walk. " †

A commission had been assigned to four persons, empowering them to employ a skilful surveyor on each side, to survey and make a map of the chace, according to both lines of boundary; but the earl's counsel refusing to permit his surveyor to obey some directions, it was
done

* Institutes; † Manuscript;

done by the other surveyor only, and a map was made by him, which is still preserved. *

Two petitions had been presented, one from Tisbury to the king, against the improper use of his name, the hindrance of justice; &c. and the other to the house of commons, stating the grievances of 20,000 inhabitants, in 70 parishes, by the decree given. †

This spirit of disapprobation shewn by the people, or the consciousness of injustice probably prevented the barons from giving a more decisive decree, and the earl from proceeding farther in his claims.

In the succeeding reign, the earl of Salisbury brought a bill into the exchequer against John Cole, owner of the manor of Witchampton, complaining of his killing deer and attempting the keepers in a ground called Dean's leaze, in Witchampton, and of his claiming free warren and free chace. The bill stated that a *quo warranto* had been obtained against J. Cole, 18th of James I. and that it was adjudged against his claim; that the king, (Charles I.) when he repaired to Cranborn chace, did chiefly delight to hunt in the said chace or walk, called Chittered walk, as the late king (James I.) had done. The king's yearly rent, and reversion

* Manuscript. † Ibid.

reversion were again stated, and some court rolls of Cranborn, of the times of Henry V. Edw. IV. and Henry VIII. containing presentments of offenders, were read, &c. In conclusion, in 8th of Cha. I. the barons decreed that Dean's leaze, Witchampton park, and Sley yates, were parcel of Chittered walk, and that this was one of the walks of the chace; and it was ordered, that the injunction formerly granted, for staying Cole's proceedings at common law, against Hickes an underkeeper, should be continued. *

The civil wars, which continued about 18 years, from 1642 to 1660, doubtless prevented any farther proceedings respecting the chace.

In 1671 the earl of Salisbury sold the chace, as six walks, and the manor of Berwick, to the earl of Shaftesbury, for £5300. In 1672, 23rd of Charles II. the reversion in fee was granted to Thomas Stringer. Thus, the interest of the king in the chace appears to have been a mere pretence, which was soon laid aside.

In 1692, the earl of Shaftesbury surrendered his estate to Anthony lord Ashley, his son, who, reserving the manor of Berwick, sold the chace and its lodges, in fee, for £3500, to Thomas Freke esq. of Shroton. The latter, (who died in 1698,) left it by will to Thomas Pile esq. of

* Hutchins;

Baverstock, Wilts, and Eliz. Freke, for their lives; (the former being the husband of his niece Arundell Penruddock, and the latter their daughter,) with reversion to George Pitt the younger, esq. of Stratfield Say, Hants, afterwards baron Rivers; to whom it came, in 1714.

About this time, and for ages before it, deer-hunting in Cranborn chace was practised at times by gentlemen in the neighbourhood, as a kind of diversion. They assembled in the evening, and agreed whether to stand, or run from the keepers, according to their forces, &c. Frequent battles took place, and persons have sometimes been killed, on both sides. This dangerous amusement soon after fell into disrepute, and has since been practised by people of the lower class only, in general.*

The low prices at which the chace had been sold, implies that it was not of great extent, or in high estimation. The unpopularity of the earl of Salisbury's claims had doubtless led to the opposition of the neighbouring inhabitants, in deer-hunting; which the troubles of the kingdom, and the prevalence of the popular party encouraged. The earl finding his views disappointed, probably took the first opportunity afterwards of parting with the chace.

It

* See Hutchins's Dorset.

It is said that the earl of Shaftesbury made no attempts of claiming the larger bounds,* and declared that his right extended only to the smaller bounds; † that his successor did the same, and lived during some years on terms of intimacy with the neighbouring gentlemen; that they frequently hunted with him and partook of the venison. ‡ This system was practicable so long as the parties continued on an amicable footing, but when disputes arose, and the keepers were forbidden to come on the out-grounds, that is on the purlieu, or lands formerly disafforested, the deer could not be driven from their settled haunts merely by the laying on of a hound; which was the only method allowed by the custom of purlieu, unless by leave of the landholders. §

In 1703, an action was brought against some of the keepers, for hunting on the grounds of Thomas Fownes esq. of Stepleton, and judgment was given against them. After this, the parties were reconciled, and continued amicable 'till the decease of the last life-proprietor, Elizabeth Freke, in 1714.

During several years after this, as in general before, it is related that “an intimacy and good
“neighbourhood subsisted between the proprietor

* Manuscript † Depositions: ‡ Manuscript. § See page 101.

" etor of the chace and the gentlemen around :
 " they had venison when they pleased, and they
 " frequently hunted together on their estates,
 " called the out-grounds (or purlieu). The
 " keepers were connived at, and allowed to do
 " the same, (i. e. to hunt there,) they taking
 " care to rechace the deer, " &c.

" In 1726, however the keepers took two
 " men killing a deer on the estate of Thomas
 " Ryves esq. (of Ranston,) on the out-grounds,
 " and had them convicted, notwithstanding
 " the opposition of Mr. Ryves and Mr. Bower;
 " who, removed the convictions into the court
 " of king's bench and had them quashed. " *

It must be owned that the conduct of some
 of the gentlemen was irritating. In addition to
 their protection of deer killers, they some-
 times threatened and used violence to the
 keepers, and insulted their employers by the
 exhibition of the deer which they had kill-
 ed. Thus, at length the proprietor of the
 chace had no other choice than of relinquish-
 ing the deer and claim of rechace on those
 lands, or of commencing a suit at law. In the
 latter he had considerable advantages: his con-
 nections were extensive and highly respect-
 able, and many persons held an opinion of his
 right to the larger bounds.

In

In 1727 some of the gentlemen of the neighbourhood filed four bills in chancery, “to perpetuate the testimony of ancient witnesses in support of the inner bounds; to which Mr. Pitt answered, and witnesses were examined on both sides.” *

In the mean time, an action was brought against the two gentlemen before mentioned and others for hunting and killing a deer. “The killing being on the ground, for a trespass on which, Mr. Fownes had formerly obtained judgment on Mr. Freke’s keepers.”

On the trial a great number of witnesses were examined; but at length a verdict was given in favour of the owner of the chace.

This transaction is variously related. The history of Dorset states, that “at the assizes at Dorchester, July 29th 1732, after a full hearing before Mr. Justice Denton, which lasted fourteen hours, the cause between George Pitt jun. of Shroton, esq. owner of the chace, plaintiff, and Thomas Fownes and Henry Bower esqrs. defendants, concerning the plaintiff’s right of chace on the defendant’s lands, in Stepleton and Iwerne Minster, was determined. The jury, consisting entirely of gentlemen, nine of whom had before taken a view

* Manuscript.

“ view of the places in question, pursuant to a
 “ rule of court, gave a verdict for the plain-
 “ tiff. ” *

On the other side it is stated “ the jury had
 “ an imperfect view of the premises, being
 “ shewn only the places where the supposed
 “ trespass was committed, and some part of the
 “ out-grounds, but never going into the chace;
 “ (within the inner bounds;) wherefore they
 “ could not see the difference between the fen-
 “ ces within the chace and those out of it,
 “ which is very obvious. ” †

It is said farther, that the chief stress was
 laid on this view of the places ; the evidence on
 each side being so contradictory, that the jury
 could believe neither ; and that the records were
 not much regarded. ‡

It is related, “ that after this verdict, lord
 “ Arundell, Mr. Fownes, Mr. Ryves, Mr. Har-
 “ bin, Mr. Bower, and others, determined to
 “ try the bounds with Mr. Pitt, and filed a bill
 “ in chancery for that purpose ; but before the
 “ cause was brought to an issue, Mr. Bower
 “ died. He being a gentleman at the bar, and
 “ the whole management of the cause having
 “ been left to him, none of the parties under-
 “ took it, and the suit dropped. ” §

A

* Hutchins.

† Manuscript.

‡ Ibid.

§ Ibid.

A particular account of the evidence on the trial and to the depositions would be too long for insertion here; and is the less necessary, as no instances appear therein of convictions of land owners, for killing or hunting deer on their grounds. Of those which were proved, those of Watts and Harvey were quashed;—those of Tucker and Harding were for pursuing within the smaller bounds, as were of Lemon, J. Harding, and Ralph;—of Feltham, for killing “a hunted deer;”—of King and Cook in Manwood coppice, (formerly declared to be in the chace;)—of Maidment and Crouch, in Chettered walk, (a separate chace by prescription;)—of Soper for having a deer in his house, and of Peters for carrying nets. Only about half a dozen more convictions are ascertained; viz. for killing in Gunville park, Hill coppice, or without mention of place. Such was the slender evidence of that kind produced in favour of “the larger bounds;” and these few prosecutions were mostly of noted deer stealers. The rest of the evidence of the plaintiff consisted chiefly of the opinions of individuals respecting the bounds, or of hearsay evidence; except that some keepers stated that they had ranged and killed on the disputed grounds. To this is opposed the testimony of many other persons, that the keepers

ers were not allowed or used there except by permission, that deer were killed by land owners and others, with impunity; and that the earl of Shaftesbury and Mr. Freke had admitted that they had no claim on those grounds, &c.

In fact, the evidence varied much, according to the bias of the witnesses: but in several respects there was a material difference between the "out-grounds" and the undisputed chace. It was deposed that in the latter, the woodmen were summoned to the chace courts;—they were not allowed to cut the vert and browse,—to cut the wood on the borders of the copses,—to plash the live wood,—or to make ditches to the copse fences. The keepers admitted the deer to the copses after three years growth;—they gave an account at the courts, of the deer killed or dead within the small bounds;—"a promoter" (or hayward) pounded trespassing sheep;—the measure of woodland was 18 feet to the rod, except in Chettered, a separate chace, &c. whereas on the out-grounds these practices were omitted or differently conducted, in general; the measure was only $16\frac{1}{2}$ feet, and no pounding of sheep was practised; there being no such pound except within the inner bounds. Fires also were lighted at times on the downs, to prevent the deer straying beyond those bounds on that side.

On

On the trial, the evidence respecting the violent conduct of the land owners in "the out-grounds," had perhaps, a share in influencing the jury, in addition to their first impressions on the view: some check might be necessary; but the verdict, so far as it went to deprive the owners of lands of their right of purlieu, was a contradiction to the statute *de foresta*, and to the proceedings thereupon, which had long ago set aside the arbitrary pretensions of prince John, and of Richard and Gilbert de Clare.

Later transactions afford nothing decisive respecting the question of the bounds. In 1749, "Mr. Pitt by his agents made a forcible entry upon the fences of Gunville park, belonging to Mr. Harbin, alledging that they were not proper, that the deer of the chace frequently went in, and could not return." * Some respectable testimony confirms this account, and adds that Mr. Harbin found his mistake, † and did not defend his cause, which therefore was given against him by a verdict at Dorchester; but other accounts alledge that the counsel on the circuit were retained on the opposite side. ‡

"In 1788 an action was brought by lord Rivers, to try the right of a general hunt during the sitting of a court (of the manor) there

* Hutchins.

† See page 100.

‡ Letter of A. Chapman Esq.

“there; and in 1789 a verdict was given in his
 “favour.” * This privilege was claimed by
 the lord of the manor for himself and tenants,
 and to this extent was admitted by the owner
 of the chace; but one Roberts, who was not a
 tenant, killing deer, the action was brought
 against him;—and the hunt being renewed next
 year, contrary to express prohibition, he was
 not defended by lord Arundell, and ^{a verdict} ~~was con-~~
~~victed.~~ *was given against him*

In 1789 a negotiation was commenced for
 the disfranchisement of the chace; in which
 lord Rivers consented that lord Temple should
 open the business to his agents and the gentle-
 men interested. †

A committee of proprietors was therefore ap-
 pointed, of which Anthony Chapman esq. of
 Gunville was chairman, and a correspondence
 was held between him and lord Rivers; but
 the proceedings of the committee were dilato-
 ry, the overtures of the chairman inexplicit,
 and his remarks in great measure irrelevant;
 whilst the replies of the proprietors were
 prompt, and constantly expressed a desire of
 receiving a direct offer. At length, in Septem-
 ber 1809, the chairman, by letter, intimated a
 proposal of £200 a year, to lord Rivers; but
 the

* Hutehins.

† Authentic Account.

the lowness of this offer, and the illtimed observations which accompanied it, offended the latter, and the negotiation was broken off. It appeared from lord Rivers's steward, that no less than a sum of £1000 a year, and a park round Rushmore lodge, would be esteemed a sufficient compensation for relinquishing the chace.

An account of this negotiation was published by lord Rivers, entitled "An Authentic Account," &c. containing the correspondence, with remarks; which was replied to by a publication entitled "A Letter to the Noblemen and Gentlemen, Proprietors," &c. by the chairman of the committee.

In 1803 another treaty commenced. Some overtures being made to lord Rivers, he renewed the offer of parting with the chace, for £1000 per annum, and a park of the value of £250 per annum: but as he had purchased some woods near Rushmore, he offered to accept a park near West Lodge. The committee of proprietors consented to treat on those terms; but on account of the difficulty of procuring the lands required, the agreement was not effected.

Thus, the obstacles to the disfranchisement are great. It is possible that the noble proprietor, for the removal of the incitement afforded by the chace to immorality and violence, and
for

for the benefit of the public and of the revenue, as well as to the owners of lands, by the increase of produce, and the employment of a great number of additional hands in cultivation, &c. may be induced to accept of other remuneration than land to his parks: in such case, the landholders will scarcely allow the delay of so desirable an agreement, from a comparatively small difference in terms. The variety of tenure, and number of persons and of parishes, may occasion some difficulties; but not greater than have been surmounted in other cases. In the mean time it is desirable that the extent of the chace and of its privileges should be ascertained, that the chief motives for dispute and litigation may be removed. Towards this, the object of the present compilation is not so much to give a decisive opinion, as to enable persons to judge for themselves by a connected view of the subject, instead of toiling through the mass of confusion and contradiction that has heretofore appeared.

—————“ Si quid novisti rectius istis,
“ Candidus imperti. ”

FINIS.

ERRATA.

- Page 10, line 15, *read* its swainmote.
10, 25, *read* were in England.
34, 20, *transpose* Charter and Charta.
46, 26, *read* accommodation.
93, 10, *read* all excepting Purbeck.
117, last, *read* extremely.
130, 16, *read* proprietors of lands.
130, 23, *read* proprietor of the chase.
130, 26, *read* 1790.

Note. Sir Wm. Blackstone states that there was only one charter of John: the forests being included. If so, the passages in pages 34 and 52 respecting Henry I. require correction. Doubtless the disforestations were of lands afforested by Henry the *second* and his successors.

TABLE

| | |
|-----|-----|
| ... | ... |
| ... | ... |
| ... | ... |
| ... | ... |
| ... | ... |
| ... | ... |
| ... | ... |
| ... | ... |
| ... | ... |
| ... | ... |

...

...

...

...

...

